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OF THE STATE OF MONTANA
Volume III of III**

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CHAPTER NO. 503

[SB 399]

AN ACT GENERALLY REVISING TAXATION OF INCOME, INCLUDING THE CORPORATE INCOME TAX; REQUIRING THE TAXATION OF INDIVIDUALS, PARTNERSHIPS, AND SUBCHAPTER S. CORPORATIONS, INCLUDING TRUSTS AND ESTATES, TO RELATE THE STATE INDIVIDUAL INCOME TAX TO FEDERAL TAXABLE INCOME; PROVIDING ADJUSTMENTS TO FEDERAL TAXABLE INCOME TO INCLUDE CERTAIN INCOME; PROVIDING ADJUSTMENTS TO FEDERAL TAXABLE INCOME TO EXCLUDE CERTAIN INCOME; ELIMINATING MOST INDIVIDUAL INCOME TAX DEDUCTIONS; ELIMINATING CERTAIN INDIVIDUAL INCOME TAX CREDITS; REVISING CERTAIN INDIVIDUAL INCOME TAX CREDITS; ELIMINATING CERTAIN CORPORATE INCOME TAX DEDUCTIONS AND CREDITS; REVISING INDIVIDUAL INCOME TAX RATES; PROVIDING A TRANSITION FOR CREDITS THAT ARE SUBJECT TO A CARRYFORWARD; PROVIDING A TRANSITION FOR DIFFERENCES IN FEDERAL AND MONTANA INCOME TAX LAWS; PROVIDING RULEMAKING AUTHORITY; AMENDING SECTIONS 2-18-1312, 7-14-1133, 7-14-1636, 7-34-2416, 15-1-222, 15-30-2101, 15-30-2102, 15-30-2103, 15-30-2104, 15-30-2113, 15-30-2151, 15-30-2153, 15-30-2303, 15-30-2328, 15-30-2329, 15-30-2393, 15-30-2501, 15-30-2512, 15-30-2602, 15-30-2605, 15-30-2606, 15-30-2618, 15-30-3003, 15-30-3004, 15-30-3005, 15-30-3312, 15-31-162, 15-31-163, 15-31-1007, 15-32-104, 15-32-106, 15-32-610, 15-61-202, 15-61-203, 15-62-103, 15-62-201, 15-62-206, 15-62-207, 15-62-208, 15-63-202, 19-2-1004, 19-17-407, 19-18-612, 19-19-504, 19-20-706, 19-21-212, 20-4-503, 20-25-902, 33-27-101, 33-27-102, 33-27-103, 37-4-104, 50-51-114, 53-2-211, 53-25-117, 53-25-118, 67-11-303, 70-9-803, 75-2-103, 75-5-103, 87-2-102, AND 87-2-105, MCA; REPEALING SECTIONS 7-21-3701, 7-21-3702, 7-21-3703, 7-21-3704, 7-21-3710, 7-21-3715, 15-30-2110, 15-30-2111, 15-30-2114, 15-30-2115, 15-30-2116, 15-30-2117, 15-30-2119, 15-30-2131, 15-30-2132, 15-30-2133, 15-30-2141, 15-30-2142, 15-30-2143, 15-30-2144, 15-30-2152, 15-30-2301, 15-30-2319, 15-30-2320, 15-30-2326, 15-30-2356, 15-30-2364, 15-30-2366, 15-30-2367, 15-30-2373, 15-30-2381, 15-31-131, 15-31-132, 15-31-134, 15-31-135, 15-31-136, 15-31-137, 15-31-171, 15-32-109, 15-32-115, 15-32-201, 15-32-202, 15-32-203, 15-32-401, 15-32-402, 15-32-404, 15-32-405, 15-32-406, 15-32-407, 15-32-501, 15-32-502, 15-32-503, 15-32-504, 15-32-505, 15-32-506, 15-32-507, 15-32-508, 15-32-509, 15-32-510, 15-32-701, 15-32-702, 15-32-703, AND 33-2-724, MCA; AND PROVIDING DELAYED EFFECTIVE DATES AND APPLICABILITY DATES.

Be it enacted by the Legislature of the State of Montana:

Section 1. Adjustments to federal taxable income to determine Montana taxable income. (1) The items in subsection (2) are added to and the items in subsection (3) are subtracted from federal taxable income to determine Montana taxable income.

(2) The following are added to federal taxable income:

(a) to the extent that it is not exempt from taxation by Montana under federal law, interest from obligations of a territory or another state or any political subdivision of a territory or another state and exempt-interest

dividends attributable to that interest except to the extent already included in federal taxable income;

(b) that portion of a shareholder's income under subchapter S. of Chapter 1 of the Internal Revenue Code that has been reduced by any federal taxes paid by the subchapter S. corporation on the income;

(c) depreciation or amortization taken on a title plant as defined in 33-25-105;

(d) the recovery during the tax year of an amount deducted in any prior tax year to the extent that the amount recovered reduced the taxpayer's Montana income tax in the year deducted;

(e) an item of income, deduction, or expense to the extent that it was used to calculate federal taxable income if the item was also used to calculate a credit against a Montana income tax liability;

(f) a deduction for an income distribution from an estate or trust to a beneficiary that was included in the federal taxable income of an estate or trust in accordance with sections 651 and 661 of the Internal Revenue Code, 26 U.S.C. 651 and 661;

(g) a withdrawal from a medical care savings account provided for in Title 15, chapter 61, used for a purpose other than an eligible medical expense or long-term care of the employee or account holder or a dependent of the employee or account holder;

(h) a withdrawal from a first-time home buyer savings account provided for in Title 15, chapter 63, used for a purpose other than for eligible costs for the purchase of a single-family residence;

(i) for a taxpayer that deducts the qualified business income deduction pursuant to section 199A of the Internal Revenue Code, 26 U.S.C. 199A, an amount equal to the qualified business income deduction claimed; and

(j) for a taxpayer that deducts state income taxes pursuant to section 164(a)(3) of the Internal Revenue Code, 26 U.S.C. 164(a)(3), an additional amount equal to the state income tax deduction claimed, not to exceed the amount required to reduce the federal itemized amount computed under section 161 of the Internal Revenue Code, 26 U.S.C. 161, to the amount of the federal standard deduction allowable under section 63(c) of the Internal Revenue Code, 26 U.S.C. 63(c).

(3) To the extent they are included as income or gain or not already excluded as a deduction or expense in determining federal taxable income, the following are subtracted from federal taxable income:

(a) a deduction for an income distribution from an estate or trust to a beneficiary in accordance with sections 651 and 661 of the Internal Revenue Code, 26 U.S.C. 651 and 661, recalculated according to the additions and subtractions in subsections (2) and (3)(b) through (3)(m);

(b) if exempt from taxation by Montana under federal law:

(i) interest from obligations of the United States government and exempt-interest dividends attributable to that interest; and

(ii) railroad retirement benefits;

(c) (i) salary received from the armed forces by residents of Montana who are serving on active duty in the regular armed forces and who entered into active duty from Montana;

(ii) the salary received by residents of Montana for active duty in the national guard. For the purposes of this subsection (3)(c)(ii), "active duty" means duty performed under an order issued to a national guard member pursuant to:

(A) Title 10, U.S.C.; or

(B) Title 32, U.S.C., for a homeland defense activity, as defined in 32 U.S.C. 901, or a contingency operation, as defined in 10 U.S.C. 101, and the person was a member of a unit engaged in a homeland defense activity or contingency operation.

(iii) the amount received pursuant to 10-1-1114 or from the federal government by a service member, as defined in 10-1-1112, as reimbursement for group life insurance premiums paid;

(iv) the amount received by a beneficiary pursuant to 10-1-1201; and

(v) all payments made under the World War I bonus law, the Korean bonus law, and the veterans' bonus law. Any income tax that has been or may be paid on income received from the World War I bonus law, Korean bonus law, and the veterans' bonus law is considered an overpayment and must be refunded upon the filing of an amended return and a verified claim for refund on forms prescribed by the department in the same manner as other income tax refund claims are paid.

(d) interest and other income related to contributions that were made prior to January 1, 2024, that are retained in a medical care savings account provided for in Title 15, chapter 61, and any withdrawal for payment of eligible medical expenses or for the long-term care of the employee or account holder or a dependent of the employee or account holder;

(e) contributions or earnings withdrawn from a family education savings account provided for in Title 15, chapter 62, or from a qualified tuition program established and maintained by another state as provided in section 529(b)(1)(A)(ii) of the Internal Revenue Code, 26 U.S.C. 529(b)(1)(A)(ii), for qualified education expenses, as defined in 15-62-103, of a designated beneficiary;

(f) interest and other income related to contributions that were made prior to January 1, 2024, that are retained in a first-time home buyer savings account provided for in Title 15, chapter 63, and any withdrawal for payment of eligible costs for the first-time purchase of a single-family residence;

(g) for each taxpayer that has attained the age of 65, an additional subtraction of \$5,500;

(h) the amount of a scholarship to an eligible student by a student scholarship organization pursuant to 15-30-3104;

(i) a payment received by a private landowner for providing public access to public land pursuant to Title 76, chapter 17, part 1;

(j) the amount of any refund or credit for overpayment of income taxes imposed by this state or any other taxing jurisdiction to the extent included in gross income for federal income tax purposes but not previously allowed as a deduction for Montana income tax purposes;

(k) the recovery during the tax year of any amount deducted in any prior tax year to the extent that the recovered amount did not reduce the taxpayer's Montana income tax in the year deducted;

(l) an amount equal to 30% of net-long term capital gains, as defined in section 1222 of the Internal Revenue Code, 26 U.S.C. 1222, if and to the extent such gain is taken into account in computing federal taxable income; and

(m) the amount of the gain recognized from the sale or exchange of a mobile home park as provided in 15-31-163.

(4) (a) A taxpayer who, in determining federal taxable income, has reduced the taxpayer's business deductions:

(i) by an amount for wages and salaries for which a federal tax credit was elected under sections 38 and 51(a) of the Internal Revenue Code, 26 U.S.C. 38 and 51(a), is allowed to deduct the amount of the wages and salaries paid regardless of the credit taken; or

(ii) for which a federal tax credit was elected under the Internal Revenue Code is allowed to deduct the amount of the business expense paid when there is no corresponding state income tax credit or deduction, regardless of the credit taken.

(b) The deductions in subsection (4)(a) must be made in the year that the wages, salaries, or business expenses were used to compute the credit. In the case of a partnership or small business corporation, the deductions in subsection (4)(a) must be made to determine the amount of income or loss of the partnership or small business corporation.

(5) (a) An individual who contributes to one or more accounts established under the Montana family education savings program or to a qualified tuition program established and maintained by another state as provided in section 529(b)(1)(A)(ii) of the Internal Revenue Code, 26 U.S.C. 529(b)(1)(A)(ii), may reduce taxable income by the lesser of \$3,000 or the amount of the contribution. In the case of married taxpayers, each spouse is entitled to a reduction, not in excess of \$3,000, for the spouses' contributions to the accounts. Spouses may jointly elect to treat half of the total contributions made by the spouses as being made by each spouse. The reduction in taxable income under this subsection (5)(a) applies only with respect to contributions to an account of which the account owner is the taxpayer, the taxpayer's spouse, or the taxpayer's child or stepchild if the taxpayer's child or stepchild is a Montana resident. The provisions of subsection (2)(d) do not apply with respect to withdrawals of contributions that reduced federal taxable income.

(b) Contributions made pursuant to this subsection (5) are subject to the recapture tax provided for in 15-62-208.

(6) (a) An individual who contributes to one or more accounts established under the Montana achieving a better life experience program or to a qualified program established and maintained by another state may reduce taxable income by the lesser of \$3,000 or the amount of the contribution. In the case of married taxpayers, each spouse is entitled to a reduction, not to exceed \$3,000, for the spouses' contributions to the accounts. Spouses may jointly elect to treat one-half of the total contributions made by the spouses as being made by each spouse. The reduction in taxable income under this subsection (6)(a) applies only with respect to contributions to an account for which the account owner is the taxpayer, the taxpayer's spouse, or the taxpayer's child or stepchild if the taxpayer's child or stepchild is a Montana resident. The provisions of subsection (2)(d) do not apply with respect to withdrawals of contributions that reduced taxable income.

(b) Contributions made pursuant to this subsection (6) are subject to the recapture tax provided in 53-25-118.

(7) By November 1 of each year, the department shall multiply the subtraction from federal taxable income for a taxpayer that has attained the age of 65 contained in subsection (3)(g) by the inflation factor for that tax year, rounding the result to the nearest \$10. The resulting amount is effective for that tax year and must be used as the basis for the subtraction from federal taxable income determined under subsection (3)(g).

Section 2. Section 2-18-1312, MCA, is amended to read:

"2-18-1312. Tax exemption. Employer contributions into an account, the accumulation of interest or other earnings in an account, and payments from an account for qualified health care expenses are tax-exempt, as provided in ~~15-30-2110~~ and under applicable federal laws and regulations to the extent that the plan is qualified under applicable sections of the Internal Revenue Code."

Section 3. Section 7-14-1133, MCA, is amended to read:

“7-14-1133. Bonds and obligations. (1) Except for providing financial support to a private development organization, including a corporation organized under Title 32, chapter 4, whose purpose is to advance the economic development of its jurisdiction and of the state and its citizens, an authority may borrow money for any of its corporate purposes and issue bonds, including refunding bonds, for any of its corporate purposes. The bonds may be in the form and upon terms as it determines, payable out of any revenue of the authority, including revenue derived from:

- (a) any port or transportation and storage facility;
- (b) taxes levied pursuant to 7-14-1131 or 67-10-402;
- (c) grants or contributions from the federal government; or
- (d) other sources.

(2) The bonds may be issued by resolution of the authority, without an election and without any limitation of amount, except that bonds may not be issued at any time if the total amount of principal and interest to become due in any year on the bonds and on any ~~then-outstanding~~ *then-outstanding* bonds for which revenue from the same source is pledged exceeds the amount of revenue to be received in that year, as estimated in the resolution authorizing the issuance of the bonds. The authority shall take all action necessary and possible to impose, maintain, and collect rates, charges, and rentals and to request taxes, if any are pledged, sufficient to make the revenue from the pledged source in ~~such~~ *that* year at least equal to the amount of principal and interest due in that year.

(3) The bonds may be sold at public or private sale and may bear interest as provided in 17-5-102. Except as otherwise provided in this part, any bonds issued pursuant to this part by an authority may be payable as to principal and interest solely from revenue of the authority or from particular port, transportation, storage, or other facilities of the authority. The bonds must state on their face the applicable limitations or restrictions regarding the source from which principal and interest are payable.

(4) Bonds issued by an authority, county, or municipality pursuant to the provisions of this part are declared to be issued for an essential public and governmental purpose by a political subdivision ~~within the meaning of 15-30-2110(2)(a).~~

(5) (a) For the security of bonds, the authority, county, or municipality may by resolution make and enter into any covenant, agreement, or indenture and may exercise any additional powers authorized to be exercised by a municipality under Title 7, chapter 7, parts 44 and 45. The sums required from time to time to pay principal and interest and to create and maintain a reserve for the bonds may be paid from any revenue referred to in this part, prior to the payment of current costs of operation and maintenance of the facilities.

(b) As further security for the bonds, the authority, with the approval of the governing body of the county or municipality that created the authority, may pledge, lease, sell, mortgage, or grant a security interest in all or any portion of its port, transportation, storage, or other facilities, whether or not the facilities are financed by the bonds. The instrument effecting the pledge, lease, sale, mortgage, or security interest may contain any agreements and provisions customarily contained in instruments securing bonds, as the commissioners of the authority consider advisable. The provisions must be consistent with this part and are subject to and must be in accordance with the laws of this state governing mortgages, trust indentures, security agreements, or instruments. The instrument may provide that in the event of a default in the payment of principal or interest on the bonds or in the performance of any

agreement contained in the proceedings authorizing the bonds or instrument, the payment or performance may be enforced by mandamus or by the appointment of a receiver in equity. The receiver may collect charges, rental, or fees and may apply the revenue from the mortgaged property or collateral in accordance with the proceedings or the provisions of the instrument.

(6) Nothing in ~~this section or 7-14-1134 or this section~~ may be construed to limit the use of port authority revenue, including federal and state money as described in 7-14-1136, to make grants and loans or to otherwise provide financial and other support to private development organizations, including corporations organized under the provisions of the development corporation act in Title 32, chapter 4. The credit of the state, county, or municipal ~~governments~~ government or their agencies or authorities may not be pledged to provide financial support to the development organizations.”

Section 4. Section 7-14-1636, MCA, is amended to read:

“7-14-1636. Bonds and obligations. (1) An authority may borrow money for any of its corporate purposes and issue bonds for its purposes, including refunding bonds, in a form and upon terms as it determines, payable out of any revenue of the authority, including revenue derived from:

- (a) a railroad;
- (b) taxes levied pursuant to 7-14-1632;
- (c) grants or contributions from the federal government; or
- (d) other sources.

(2) The bonds may be issued by resolution of the authority, without an election and without any limitation of amount, except that bonds may not be issued at any time if the total amount of principal and interest to become due in a year on the bonds and on any then-outstanding bonds for which revenue from the same source is pledged exceeds the amount of the revenue to be received in that year, as estimated in the resolution authorizing the issuance of the bonds. The authority shall take all action necessary and possible to impose, maintain, and collect rates, charges, and rentals and to request taxes, if any are pledged, sufficient to make the revenue from the pledged source in the year at least equal to the amount of principal and interest due in that year.

(3) The bonds may be sold at public or private sale and may bear interest as provided in 17-5-102. Bonds issued by an authority pursuant to this part may be payable as to principal and interest solely from revenue of the authority and must state on their face the applicable limitations or restrictions regarding the source from which the principal and interest are payable.

(4) Bonds issued by an authority pursuant to the provisions of this part are declared to be issued for an essential public and governmental purpose by a political subdivision ~~within the meaning of 15-30-2110(2)(a).~~

(5) For the security of the bonds, the authority may by resolution make and enter into any covenant, agreement, or indenture and may exercise any additional powers authorized to be exercised by a municipality under Title 7, chapter 7, parts 44 and 45. The sums required from time to time to pay principal and interest and to create and maintain a reserve for the bonds may be paid from the revenue referred to in this part, prior to the payment of current costs of operation and maintenance of the facilities.”

Section 5. Section 7-34-2416, MCA, is amended to read:

“7-34-2416. Tax-exempt status of bonds. Bonds issued by a county pursuant to the provisions of 7-34-2411 and 7-34-2413 through 7-34-2418 are declared to be issued for an essential public and governmental purpose by a political subdivision ~~within the meaning of 15-30-2110(2)(a).~~”

Section 6. Section 15-1-222, MCA, is amended to read:

“15-1-222. Taxpayer bill of rights. The department of revenue shall in the course of performing its duties in the administration and collection of the state’s taxes ensure that:

(1) the taxpayer has the right to record any interview, meeting, or conference with auditors or any other representatives of the department;

(2) the taxpayer has the right to hire a representative of the taxpayer’s choice to represent the taxpayer’s interests before the department, ~~or any a county tax appeal board, or the Montana tax appeal board.~~ *The representative is not considered to be practicing law pursuant to 37-61-201 and is not required to be an attorney or a certified public accountant.* The taxpayer has a right to obtain a representative at any time, except that the selection of a representative may not be used to unreasonably delay a field audit that is in progress. The representative must have written authorization from the taxpayer to receive from the department confidential information concerning the taxpayer. The department shall provide copies to the authorized representative of all information sent to the taxpayer and shall notify the authorized representative concerning contacts with the taxpayer.

(3) except as provided in subsection (5), the taxpayer has the right to be treated by the department in a similar manner as all similarly situated taxpayers regarding the administration and collection of taxes, imposition of penalties and interest, and available taxpayer remedies unless there is a rational basis for the department to distinguish them;

(4) the taxpayer has the right to obtain tax advice from the department. The taxpayer has a right to the waiver of penalties and interest, but not taxes, when the taxpayer has relied on written advice provided to the taxpayer by an employee of the department.

(5) at the discretion of the department, upon consideration of all facts relevant to the specific taxpayer, the taxpayer has the right to pay delinquent taxes, interest, and penalties on an installment basis. This subsection applies only to taxes collected by the department, provided the taxpayer meets reasonable criteria.

(6) the taxpayer has the right to a complete and accurate written description of the basis for any additional tax assessed by the department;

(7) the taxpayer has the right to a review by management level employees of the department for any additional taxes assessed by the department;

(8) the taxpayer has the right to a full explanation of the available procedures for review and appeal of additional tax assessments;

(9) the taxpayer, after the exhaustion of all appropriate administrative remedies, has the right to have the state tax appeal board or a court, or both, review any final decision of the department assessing an additional tax. The taxpayer shall seek a review in a timely manner. A taxpayer is entitled to collect court costs and attorney fees from the department for frivolous or bad faith lawsuits as provided in 25-10-711.

(10) the taxpayer has the right to expect that the department will adhere to the same tax appeal deadlines as are required of the taxpayer unless otherwise provided by law;

(11) the taxpayer has the right to a full explanation of the department’s authority to collect delinquent taxes, including the procedures and notices that are required to protect the taxpayer;

(12) the taxpayer has the right to have certain property exempt from levy and seizure as provided in Title 25, chapter 13, part 6, and any other applicable provisions in Montana law;

(13) the taxpayer has the right to the immediate release of any lien the department has placed on property when the tax is paid or when the lien is the result of an error by the department;

(14) the taxpayer has the right to assistance from the department in complying with state and local tax laws that the department administers; and

(15) the taxpayer has the right to be guaranteed that an employee of the department is not paid, promoted, or in any way rewarded on the basis of assessments or collections from taxpayers.”

Section 7. Section 15-30-2101, MCA, is amended to read:

“15-30-2101. Definitions. For the purpose of this chapter, unless otherwise required by the context, the following definitions apply:

(1) ~~“Base year structure” means the following elements of the income tax structure:~~

~~(a) the tax brackets established in 15-30-2103, but unadjusted by 15-30-2103(2), in effect on June 30 of the taxable year;~~

~~(b) the exemptions contained in 15-30-2114, but unadjusted by 15-30-2114(6), in effect on June 30 of the taxable year;~~

~~(c) the maximum standard deduction provided in 15-30-2132, but unadjusted by 15-30-2132(2), in effect on June 30 of the taxable year.~~

(2)(1) “Consumer price index” means the consumer price index, United States city average, for all items, for all urban consumers (CPI-U), using the 1982-84 base of 100, as published by the bureau of labor statistics of the U.S. department of labor.

(3)(2) “Corporation” or “C. corporation” means a corporation, limited liability company, or other entity:

(a) that is treated as an association for federal income tax purposes;

(b) for which a valid election under section 1362 of the Internal Revenue Code (26 U.S.C. 1362) is not in effect; and

(c) that is not a disregarded entity.

(4)(3) “Department” means the department of revenue.

(5)(4) “Disregarded entity” means a business entity:

(a) that is disregarded as an entity separate from its owner for federal tax purposes, as provided in United States treasury regulations 301.7701-2 or 301.7701-3, 26 CFR 301.7701-2 or 26 CFR 301.7701-3, or as those regulations may be labeled or amended; or

(b) that is a qualified subchapter S subsidiary that is not treated as a separate corporation, as provided in section 1361(b)(3) of the Internal Revenue Code (26 U.S.C. 1361(b)(3)).

(6)(5) “Dividend” means:

(a) any distribution made by a C. corporation out of its earnings and profits to its shareholders or members, whether in cash or in other property or in stock of the corporation, other than stock dividends; and

(b) any distribution made by an S. corporation treated as a dividend for federal income tax purposes.

(6) “Federal adjusted gross income” means adjusted gross income as defined in section 62 of the Internal Revenue Code, 26 U.S.C. 62.

(7) “Federal taxable income”, when referring to an individual, means taxable income as defined and described in section 63 of the Internal Revenue Code, 26 U.S.C. 63, and, when referring to a trust or estate, means taxable income as defined and described in sections 641 through 692 of the Internal Revenue Code, 26 U.S.C. 641 through 692.

(7)(8) “Fiduciary” means a guardian, trustee, executor, administrator, receiver, conservator, or any person, whether individual or corporate, acting in any fiduciary capacity for any person, trust, or estate.

(8)(9) "Foreign C. corporation" means a corporation that is not engaged in or doing business in Montana, as provided in 15-31-101.

(9)(10) "Foreign government" means any jurisdiction other than the one embraced within the United States, its territories, and its possessions.

(10) "Gross income" means the taxpayer's gross income for federal income tax purposes as defined in section 61 of the Internal Revenue Code (26 U.S.C. 61) or as that section may be labeled or amended, excluding unemployment compensation included in federal gross income under the provisions of section 85 of the Internal Revenue Code (26 U.S.C. 85) as amended.

(11) "Head of household" means a head of household as defined and described in section 2(b) of the Internal Revenue Code, 26 U.S.C. 2(b).

(11)(12) "Inflation factor" means a number determined for each tax year by dividing the consumer price index for June of the previous tax year by the consumer price index for June 2015 2023.

(12)(13) "Information agents" includes all individuals and entities acting in whatever capacity, including lessees or mortgagors of real or personal property, fiduciaries, brokers, real estate brokers, employers, and all officers and employees of the state or of any municipal corporation or political subdivision of the state, having the control, receipt, custody, disposal, or payment of interest, rent, salaries, wages, premiums, annuities, compensations, remunerations, emoluments, or other fixed or determinable annual or periodical gains, profits, and income with respect to which any person or fiduciary is taxable under this chapter.

(13)(14) "Internal Revenue Code" means the Internal Revenue Code of 1986, as amended, or as it may be labeled or further amended. References to specific provisions of the Internal Revenue Code mean those provisions as they may be otherwise labeled or further amended.

(15) "Joint return" means one return made jointly by a married individual with that individual's spouse.

(14)(16) "Knowingly" is as defined in 45-2-101.

(15)(17) "Limited liability company" means a limited liability company, domestic limited liability company, or a foreign limited liability company as defined in 35-8-102.

(16)(18) "Limited liability partnership" means a limited liability partnership as defined in 35-10-102.

(17)(19) "Lottery winnings" means income paid either in lump sum or in periodic payments to:

(a) a resident taxpayer on a lottery ticket; or

(b) a nonresident taxpayer on a lottery ticket purchased in Montana.

(20) "Married individual" means a married individual as defined and described in section 7703 of the Internal Revenue Code, 26 U.S.C. 7703.

(18)(21) (a) "Montana source income" means:

(i) wages, salary, tips, and other compensation for services performed in the state or while a resident of the state;

(ii) gain attributable to the sale or other transfer of tangible property located in the state, sold or otherwise transferred while a resident of the state, or used or held in connection with a trade, business, or occupation carried on in the state;

(iii) gain attributable to the sale or other transfer of intangible property received or accrued while a resident of the state;

(iv) interest received or accrued while a resident of the state or from an installment sale of real property or tangible commercial or business personal property located in the state;

(v) dividends received or accrued while a resident of the state;

(vi) net income or loss derived from a trade, business, profession, or occupation carried on in the state or while a resident of the state;

(vii) net income or loss derived from farming activities carried on in the state or while a resident of the state;

(viii) net rents from real property and tangible personal property located in the state or received or accrued while a resident of the state;

(ix) net royalties from real property and from tangible real property to the extent the property is used in the state or the net royalties are received or accrued while a resident of the state. The extent of use in the state is determined by multiplying the royalties by a fraction, the numerator of which is the number of days of physical location of the property in the state during the royalty period in the tax year and the denominator of which is the number of days of physical location of the property everywhere during all royalty periods in the tax year. If the physical location is unknown or unascertainable by the taxpayer, the property is considered used in the state in which it was located at the time the person paying the royalty obtained possession.

(x) patent royalties to the extent the person paying them employs the patent in production, fabrication, manufacturing, or other processing in the state, a patented product is produced in the state, or the royalties are received or accrued while a resident of the state;

(xi) net copyright royalties to the extent printing or other publication originates in the state or the royalties are received or accrued while a resident of the state;

(xii) partnership income, gain, loss, deduction, or credit or item of income, gain, loss, deduction, or credit:

(A) derived from a trade, business, occupation, or profession carried on in the state;

(B) derived from the sale or other transfer or the rental, lease, or other commercial exploitation of property located in the state; or

(C) taken into account while a resident of the state;

(xiii) an S. corporation's separately and nonseparately stated income, gain, loss, deduction, or credit or item of income, gain, loss, deduction, or credit:

(A) derived from a trade, business, occupation, or profession carried on in the state;

(B) derived from the sale or other transfer or the rental, lease, or other commercial exploitation of property located in the state; or

(C) taken into account while a resident of the state;

(xiv) social security benefits received or accrued while a resident of the state;

(xv) taxable individual retirement account distributions, annuities, pensions, and other retirement benefits received while a resident of the state;

(xvi) any other income attributable to the state, including but not limited to lottery winnings, state and federal tax refunds, nonemployee compensation, recapture of tax benefits, and capital loss addbacks; and

(xvii) in the case of a nonresident who sells the nonresident's interest in a publicly traded partnership doing business in Montana, the gain described in section 751 of the Internal Revenue Code, 26 U.S.C. 751, multiplied by the Montana apportionment factor. If the net gain or loss resulting from the use of the apportionment factor as provided in this subsection ~~(18)(a)~~**(xvii) (21)(a)** does not fairly and equitably represent the nonresident taxpayer's business activity interest, then the nonresident taxpayer may petition for, or the department may require with respect to any and all of the partnership interest, the employment of another method to effectuate an equitable allocation or apportionment of the nonresident's income. This subsection

(18)(a)(xvii) (21)(a)(xvii) is intended to preserve the rights and privileges of a nonresident taxpayer and align those rights with taxpayers who are afforded the same rights under 15-1-601 and 15-31-312.

(b) The term does not include:

(i) compensation for military service of members of the armed services of the United States who are not Montana residents and who are residing in Montana solely by reason of compliance with military orders and does not include income derived from their personal property located in the state except with respect to personal property used in or arising from a trade or business carried on in Montana; or

(ii) interest paid on loans held by out-of-state financial institutions recognized as such in the state of their domicile, secured by mortgages, trust indentures, or other security interests on real or personal property located in the state, if the loan is originated by a lender doing business in Montana and assigned out-of-state and there is no activity conducted by the out-of-state lender in Montana except periodic inspection of the security.

(22) *"Montana taxable income" means federal taxable income as determined for federal income tax purposes and adjusted as provided in [section 1].*

(19) *"Net income" means the adjusted gross income of a taxpayer less the deductions allowed by this chapter.*

(20)(23) *"Nonresident" means a natural person who is not a resident.*

(21)(24) *"Paid", for the purposes of the deductions and credits under this chapter, means paid or accrued or paid or incurred, and the terms "paid or accrued" and "paid or incurred" must be construed according to the method of accounting upon the basis of which the used to compute federal taxable income is computed under this chapter.*

(22)(25) *"Partner" means a member of a partnership or a manager or member of any other entity, if treated as a partner for federal income tax purposes.*

(23)(26) *"Partnership" means a general or limited partnership, limited liability partnership, limited liability company, or other entity, if treated as a partnership for federal income tax purposes.*

(24)(27) *"Pass-through entity" means a partnership, an S. corporation, or a disregarded entity.*

(25)(28) *"Pension and annuity income" means:*

(a) systematic payments of a definitely determinable amount from a qualified pension plan, as that term is used in section 401 of the Internal Revenue Code (26 U.S.C. 401), or systematic payments received as the result of contributions made to a qualified pension plan that are paid to the recipient or recipient's beneficiary upon the cessation of employment;

(b) payments received as the result of past service and cessation of employment in the uniformed services of the United States;

(c) lump-sum distributions from pension or profit-sharing plans to the extent that the distributions are included in federal adjusted gross income;

(d) distributions from individual retirement, deferred compensation, and self-employed retirement plans recognized under sections 401 through 408 of the Internal Revenue Code (26 U.S.C. 401 through 408) to the extent that the distributions are not considered to be premature distributions for federal income tax purposes; or

(e) amounts received from fully matured, privately purchased annuity contracts after cessation of regular employment.

(26)(29) *"Purposely" is as defined in 45-2-101.*

(27)(30) *"Received", for the purpose of computation of taxable income under this chapter, means received or accrued, and the term "received or*

accrued” must be construed according to the method of accounting ~~upon the basis of which the~~ *used to compute federal taxable income is computed under this chapter.*

(28)(31) “Resident” applies only to natural persons and includes, for the purpose of determining liability to the tax imposed by this chapter with reference to the income of any taxable year, any person domiciled in the state of Montana and any other person who maintains a permanent place of abode within the state even though temporarily absent from the state and who has not established a residence elsewhere.

(29)(32) “S. corporation” means an incorporated entity for which a valid election under section 1362 of the Internal Revenue Code, {26 U.S.C. 1362}, is in effect.

(30)(33) “Stock dividends” means new stock issued, for surplus or profits capitalized, to shareholders in proportion to their previous holdings.

(34) “*Surviving spouse*” means a surviving spouse as defined and described in section 2(a) of the Internal Revenue Code, 26 U.S.C. 2(a).

(31)(35) “Tax year” means the taxpayer’s taxable year for federal income tax purposes.

(32) “Taxable income” means the adjusted gross income of a taxpayer less the deductions and exemptions provided for in this chapter.

(33)(36) “Taxpayer” includes any person, entity, or fiduciary, resident or nonresident, subject to a tax or other obligation imposed by this chapter and unless otherwise specifically provided does not include a C. corporation.”

Section 8. Section 15-30-2102, MCA, is amended to read:

“15-30-2102. Construction of net income. For the purpose of raising revenue, the net income required to be shown on returns under this chapter and taken as the basis for determining the tax hereunder ~~shall~~ *may* not be classified or held or construed to be property. All income except what has been expressly exempted under the provisions of the *Internal Revenue Code* or this chapter and income not permitted to be taxed under the constitution of this state or the constitution or laws of the United States ~~shall~~ *must* be included and considered in determining the net income of taxpayers *subject to tax* within the ~~provision~~ *provisions* of this chapter.”

Section 9. Section 15-30-2103, MCA, is amended to read:

“15-30-2103. Rate of tax. (1) ~~There~~ *Except as provided in subsection (2), there* must be levied, collected, and paid for each tax year upon the Montana taxable income of each taxpayer subject to this tax, ~~after making allowance for exemptions and deductions as provided in this chapter;~~ a tax on the brackets of taxable income as follows:

- (a) ~~on the first \$2,900 of taxable income or any part of that income, 1%;~~
- (b) ~~on the next \$2,200 of taxable income or any part of that income, 2%;~~
- (c) ~~on the next \$2,700 of taxable income or any part of that income, 3%;~~
- (d) ~~on the next \$2,700 of taxable income or any part of that income, 4%;~~
- (e) ~~on the next \$3,000 of taxable income or any part of that income, 5%;~~
- (f) ~~on the next \$3,900 of taxable income or any part of that income, 6%;~~
- (g) ~~on any taxable income in excess of \$17,400 or any part of that income, 6.9%.~~

(a) *for every married individual who files a joint return and for every surviving spouse:*

(i) *on the first \$41,000 of Montana taxable income or any part of that income, 4.7%;*

(ii) *on any Montana taxable income in excess of \$41,000 or any part of that income, 6.5%;*

(b) *for every head of household:*

(i) on the first \$30,750 of Montana taxable income or any part of that income, 4.7%;

(ii) on any Montana taxable income in excess of \$30,750 or any part of that income, 6.5%;

(c) for every individual other than a surviving spouse or head of household who is not a married individual:

(i) on the first \$20,500 of Montana taxable income or any part of that income, 4.7%;

(ii) on any Montana taxable income in excess of \$20,500 or any part of that income, 6.5%;

(d) for every married individual who does not make a joint return and for every estate or trust not exempt from taxation under the Internal Revenue Code:

(i) on the first \$20,500 of Montana taxable income or any part of that income, 4.7%;

(ii) on any Montana taxable income in excess of \$20,500 or any part of that income, 6.5%.

(2) By November 1 of each year, the department shall multiply the bracket amount amounts contained in subsection (1) by the inflation factor for the following tax year and round the cumulative brackets to the nearest \$100. The resulting adjusted brackets are effective for that following tax year and must be used as the basis for imposition of the tax in subsection (1) of this section."

Section 10. Section 15-30-2104, MCA, is amended to read:

"15-30-2104. Tax on nonresident. (1) (a) A tax is imposed upon each nonresident individual, estate, or trust equal to the tax computed under 15-30-2103 as if the nonresident individual, estate, or trust were a resident during the entire tax year, multiplied by the ratio of Montana source income to total income from all sources.

(b) This subsection (1) does not permit any items of income, gain, loss, deduction, expense, or credit to be counted more than once in determining the amount of Montana source income, and the department may adopt rules that are reasonably necessary to prevent duplication or to provide for allocation of particular items of income, gain, loss, deduction, expense, or credit.

(2) Pursuant to the provisions of Article III, section 2, of the Multistate Tax Compact, each nonresident taxpayer required to file a return and whose only activity in Montana consists of making sales and who does not own or rent real estate or tangible personal property within Montana and whose annual gross volume of sales made in Montana during the taxable year does not exceed \$100,000 may elect to pay an income tax of 1/2 of 1% of the dollar volume of gross sales made in Montana during the taxable year. The tax is in lieu of the tax imposed under 15-30-2103 and subsection (1)(a) of this section. The gross volume of sales made in Montana during the tax year must be determined according to the provisions of Article IV, sections 16 and 17, of the Multistate Tax Compact."

Section 11. Section 15-30-2113, MCA, is amended to read:

"15-30-2113. Determination of status – effect of marital status elections. For purposes of this chapter:

(1) the determination of whether an individual is married must be made as of the close of the individual's tax year, except that if the individual's spouse dies during the individual's tax year, the determination must be made as of the time of death marital status, dependent status, status as an association, partnership, or individual, and any other status must be made as provided in the Internal Revenue Code; and

(2) an individual legally separated from the individual's spouse under a decree of divorce or of separate maintenance may not be considered as married:

(2) *the status that a taxpayer claims or elects in a federal income tax return with respect to the taxpayer or another individual or that the taxpayer or other individual is determined to have for federal income tax purposes conclusively determines the status of that individual; and*

(3) *a joint Montana individual income tax return must be filed for any tax year for which a joint federal income tax return is filed unless one of the individuals is a nonresident for any part of the tax year."*

Section 12. Section 15-30-2151, MCA, is amended to read:

"15-30-2151. Tax on beneficiaries or fiduciaries of estates or trusts.

(1) ~~A tax must be is imposed upon either on the fiduciaries or the beneficiaries of estates and trusts as provided in this section, except to the extent that estates and trusts must be held for educational, charitable, or religious purposes. The tax must be levied, collected, and paid annually with respect to the income of estates or of any kind of property held in trust, including:~~

~~(a) income received by estates of deceased persons during the period of administration or settlement of the estate;~~

~~(b) income accumulated in trust for the benefit of unborn or unascertained persons or persons with contingent interests;~~

~~(c) income held for future distribution under the terms of the will or trust; and~~

~~(d) income that is to be distributed to the beneficiaries periodically, whether or not at regular intervals, and the income collected by a guardian of a minor, to be held or distributed as the court may direct in the same manner and to the same extent as federal income tax is imposed on them under the Internal Revenue Code.~~

(2) The fiduciary is responsible for making the return of income for the estate or trust for which the fiduciary acts, whether the fiduciary or the beneficiaries are ~~taxable responsible for the payment of the tax with reference to the income of the estate or trust. In cases under subsections (1)(a) and (1)(d);~~ *The fiduciary shall include in the return a statement of each beneficiary's distributive share of net income, whether or not distributed before the close of the tax year for which the return is made, and at the request of the department shall furnish a copy of the federal income tax return for the estate or trust as provided in 15-30-2619. The department may require a fiduciary of an estate or trust to provide a copy of the federal schedule of the beneficiary's share of income, deductions, and credits when filing the Montana individual income tax return.*

(3) ~~In cases under subsections (1)(a), (1)(b), and (1)(c), the~~ *The tax must be imposed upon on the fiduciary of the estate or trust with respect to the net income of the estate or trust and must be paid by the fiduciary. If the taxpayer's net income for the tax year of the estate or trust is computed upon the basis of a period different from that upon the basis of which the net income of the estate or trust is computed, then the taxpayer's distributive share of the net income of the estate or trust for any accounting period of the estate or trust ending within the fiscal or calendar year must be computed upon the basis on which the beneficiary's net income is computed. In those cases, a beneficiary who is not a resident must be taxable with respect to the beneficiary's income derived through the estate or trust only to the extent provided in 15-30-2111 for individuals other than residents.*

(4) ~~The fiduciary of a trust created by an employer as a part of a stock bonus, pension, or profit-sharing plan for the exclusive benefit of some or all of the employer's employees, to which contributions are made by the employer or employees, or both, for the purpose of distributing to the employees the earnings and principal of the fund accumulated by the trust in accordance~~

with the plan, are not taxable under this section, but any amount contributed to the fund by the employer and all earnings of the fund must be included in computing the income of the distributee in the year in which distributed or made available to the distributee.

(5) Where any part of the income of a trust other than a testamentary trust is or may be applied to the payment of premiums upon policies of insurance on the life of the grantor, except policies of insurance irrevocably payable for the purposes and in the manner specified relating to the so-called "charitable contribution" deduction, or to the payment of premiums upon policies of life insurance under which the grantor is the beneficiary, the part of the income of the trust must be included in computing the net income of the grantor."

Section 13. Section 15-30-2153, MCA, is amended to read:

"15-30-2153. Determination of tax of estates and trusts. The amount of tax must be is determined from *Montana* taxable income of an estate or trust in the same manner as the tax on taxable income of individuals, as adjusted in [section 1] by applying the rates contained in 15-30-2103. Credits allowed to individuals under Title 15, chapter 30, also apply to estates and trusts when applicable."

Section 14. Section 15-30-2303, MCA, is amended to read:

"15-30-2303. Tax credits subject to review by interim committee.

(1) The following tax credits must be reviewed during the biennium commencing July 1, 2019:

(a) the credit for income taxes imposed by foreign states or countries provided for in 15-30-2302;

(b) the credit for contractor's gross receipts provided for in 15-50-207;

(c) the credit for new or expanded manufacturing provided for in 15-31-124 through 15-31-127; and

(d) the credit for installing an alternative energy system provided for in 15-32-201 through 15-32-203;

(e) the credit for energy-conserving expenditures provided for in 15-30-2319 and 15-32-109; and

(f)(d) the credit for elderly homeowners and renters provided for in 15-30-2337 through 15-30-2341.

(2) The following tax credits must be reviewed during the biennium commencing July 1, 2021:

(a) the credit for commercial or net metering system investment provided for in Title 15, chapter 32, part 4;

(b) the credit for qualified elderly care expenses provided for in 15-30-2366;

(c) the credit for dependent care assistance and referral services provided for in 15-30-2373 and 15-31-131;

(d) the credit for contributions to a university or college foundation or endowment provided for in 15-30-2326, 15-31-135, and 15-31-136;

(e)(a) the credit for donations to an educational improvement account provided for in 15-30-2334, 15-30-3110, and 15-31-158; and

(f)(b) the credit for donations to a student scholarship organization provided for in 15-30-2335, 15-30-3111, and 15-31-159.

(3) The following tax credits must be reviewed during the biennium commencing July 1, 2023:

(a) the credit for providing disability insurance for employees provided for in 15-30-2367 and 15-31-132;

(b) the credit for installation of a geothermal system provided for in 15-32-115;

(c) the credit for property to recycle or manufacture using recycled material provided for in Title 15, chapter 32, part 6;

~~(d) the credit for converting a motor vehicle to alternative fuel provided for in 15-30-2320 and 15-31-137;~~

~~(e)(a) the credit for infrastructure use fees provided for in 17-6-316; and~~

~~(f)(b) the credit for contributions to a qualified endowment provided for in 15-30-2327 through 15-30-2329, 15-31-161, and 15-31-162; and~~

~~(c) the credit for property to recycle or manufacture using recycled material provided for in Title 15, chapter 32, part 6.~~

(4) The following tax credits following tax credits must be reviewed during the biennium commencing July 1, 2025::

~~(a) the credit for preservation of historic buildings provided for in 15-30-2342 and 15-31-151;~~

~~(b) the credit for mineral or coal exploration provided for in Title 15, chapter 32, part 5;~~

~~(c) the credit for capital gains provided for in 15-30-2301;~~

~~(d) the credit for a new employee in an empowerment zone provided for in 15-30-2356 and 15-31-134;~~

~~(e) the credit for an oilseed crush facility provided for in 15-32-701; and~~

~~(f) the credit for unlocking state lands provided for in 15-30-2380~~

~~(a) the credit for preservation of historic buildings provided for in 15-30-2342 and 15-31-151; and~~

~~(b) the credit for unlocking state lands provided for in 15-30-2380.~~

(5) The following tax credits must be reviewed during the biennium commencing July 1, 2027:

~~(a) the biodiesel or biolubricant production facility credit provided for in 15-32-702;~~

~~(b) the biodiesel blending and storage credit provided for in 15-32-703;~~

~~(c) the adoption tax credit provided for in 15-30-2364;~~

~~(d) the credit for providing temporary emergency lodging provided for in 15-30-2381 and 15-31-171;~~

~~(e)(a) the credit for hiring a registered apprentice or veteran apprentice provided for in 15-30-2357 and 15-31-173;~~

~~(f)(b) the earned income tax credit provided for in 15-30-2318; and~~

~~(g)(c) the media production and postproduction credits provided for in 15-31-1007 and 15-31-1009.~~

(6) The revenue interim committee shall review the tax credits scheduled for review in the biennium of the next regular legislative session, including any individual or corporate income tax credits with an expiration or termination date that are not listed in this section, and make recommendations to the legislature about whether to eliminate or revise the credits. The legislature may extend the review dates by amending this section. The revenue interim committee shall review the credits using the following criteria:

(a) whether the credit changes taxpayer decisions, including whether the credit rewards decisions that may have been made regardless of the existence of the tax credit;

(b) to what extent the credit benefits some taxpayers at the expense of other taxpayers;

(c) whether the credit has out-of-state beneficiaries;

(d) the timing of costs and benefits of the credit and how long the credit is effective;

(e) any adverse impacts of the credit or its elimination and whether the benefits of continuance or elimination outweigh adverse impacts; and

(f) the extent to which benefits of the credit affect the larger economy.”

Section 15. Section 15-30-2328, MCA, is amended to read:

“15-30-2328. (Temporary) Credit for contributions to qualified endowment – recapture of credit – deduction included as income.

(1) A taxpayer is allowed a tax credit against the taxes imposed by 15-30-2103 or 15-31-101 in an amount equal to 40% of the present value of the aggregate amount of the charitable gift portion of a planned gift made by the taxpayer during the year to any qualified endowment. The maximum credit that may be claimed by a taxpayer for contributions made from all sources in a year is \$10,000. The credit allowed under this section may not exceed the taxpayer's income tax liability.

~~(2) The credit allowed under this section may not be claimed by an individual taxpayer if the taxpayer has included the full amount of the contribution upon which the amount of the credit was computed as a deduction under 15-30-2131(1) or 15-30-2152(2).~~

~~(3)(2)~~ There is no carryback or carryforward of the credit permitted under this section, and the credit must be applied to the tax year in which the contribution is made.

~~(4)(3)~~ If during any tax year a charitable gift is recovered by the taxpayer, the taxpayer shall:

(a) include as income the amount deducted in any prior year that is attributable to the charitable gift to the extent that the deduction reduced the taxpayer's individual income tax or corporate income tax; and

(b) increase the amount of tax due under 15-30-2103 or 15-31-101 by the amount of the credit allowed in the tax year in which the credit was taken. (Terminates December 31, 2025--secs. 1 through 15, Ch. 254, L. 2019.)”

Section 16. Section 15-30-2329, MCA, is amended to read:

“15-30-2329. (Temporary) Beneficiaries of estates – credit for contribution to qualified endowment. A contribution to a qualified endowment, as defined in 15-30-2327, by an estate qualifies for the credit provided in 15-30-2328 if the contribution is a planned gift or in 15-31-161 if the contribution is an outright gift to a qualified endowment. Any credit not used by the estate may be attributed to each beneficiary of the estate in the same proportion used to report the beneficiary's income from the estate for Montana income tax purposes. The maximum amount of credit that a beneficiary may claim is \$10,000, ~~subject to the limitation in 15-30-2328(2);~~ and the credit must be claimed in the year in which the contribution is made. The credit may not be carried forward or carried back. (Terminates December 31, 2025--secs. 1 through 15, Ch. 254, L. 2019.)”

Section 17. Section 15-30-2393, MCA, is amended to read:

“15-30-2393. Election to deposit refund to education savings or ABLE account. Each individual taxpayer who is required to file an income tax return under Title 15, chapter 30, may elect to directly deposit a refund from the return to a Montana family education savings program account provided for in Title 15, chapter 62, part 1, a Montana achieving a better life experience program account provided for in Title 53, chapter 25, part 1, or an account for similar programs established and maintained by another state. In order to make the election the taxpayer must be eligible to claim an exclusion from ~~adjusted gross~~ *Montana taxable* income for the contribution as provided in ~~15-30-2110 [section 1].~~ The department may prescribe additional forms and require the taxpayer to provide sufficient information for the proper administration of the deposit requirement.”

Section 18. Section 15-30-2501, MCA, is amended to read:

“15-30-2501. Definitions. When used in 15-30-2501 through 15-30-2509, the following definitions apply:

(1) “Agricultural labor” means all services performed on a farm or ranch in connection with cultivating the soil or in connection with raising or harvesting any agricultural or horticultural commodity, including the raising, shearing, feeding, caring for, training, and management of livestock, bees, poultry, and fur-bearing animals and wildlife.

(2) (a) “Employee” means:

(i) an individual who performs services for another individual or an organization having the right to control the employee as to the services to be performed and as to the manner of performance;

(ii) an officer, employee, or elected public official of the United States, the state of Montana, or any political subdivision of the United States or Montana or any agency or instrumentality of the United States, the state of Montana, or a political subdivision of the United States or Montana;

(iii) an officer of a corporation;

(iv) all classes, grades, or types of employees, including minors and aliens, superintendents, managers, and other supervisory personnel.

(b) The term does not include a sole proprietor performing services for the sole proprietorship.

(3) “Employer” means:

(a) the person for whom an individual performs or performed any service, of whatever nature, as an employee of the person or, if the person for whom the individual performs or performed the services does not have control of the payment of wages for the services, the person having control of the payment of wages;

(b) any individual or organization that has or had in its employ one or more individuals performing services for it within this state, including:

(i) a state government and any of its political subdivisions or instrumentalities;

(ii) a partnership, association, trust, estate, joint-stock company, insurance company, limited liability company, or domestic or foreign corporation;

(iii) a receiver, a trustee, including a trustee in bankruptcy, or the trustee’s successor; or

(iv) a legal representative of a deceased person; or

(c) any person found to be an employer under Title 39, chapter 51, for unemployment insurance purposes, or under Title 39, chapter 71, for workers’ compensation purposes.

(4) “Lookback period” means the 12-month period ending the preceding June 30.

(5) “Sole proprietor” means an individual doing business in a noncorporate form and includes the member of a single-member limited liability company that is a disregarded entity if the member is an individual.

(6) (a) Except as provided in subsection (6)(b), “wages” has the meaning provided in section 3401 of the Internal Revenue Code, 26 U.S.C. 3401.

(b) The term does not include:

~~(i) tips and gratuities exempt from taxation under 15-30-2110;~~

~~(ii) health insurance premiums attributed as income to an employee under federal law that are exempt from taxation under 15-30-2110;~~

~~(iii) unemployment compensation, including supplemental unemployment compensation treated as wages under section 3402 of the Internal Revenue Code, 26 U.S.C. 3402, that is excluded from gross income as provided in 15-30-2101;~~

~~(iv)~~⁽ⁱ⁾ any amount paid a sole proprietor; or

~~(v)~~⁽ⁱⁱ⁾ any amount paid for agricultural labor.”

Section 19. Section 15-30-2512, MCA, is amended to read:

“15-30-2512. Estimated tax -- payment -- exceptions -- interest.

(1) (a) Each individual subject to tax under this chapter, except farmers or ranchers as defined in subsection (6), shall pay for the tax year, through employer withholding, as provided in 15-30-2502, through payment of estimated tax in four installments, as provided in subsection (2) of this section, or through a combination of employer withholding and estimated tax payments, at least:

(i) 90% of the tax for the current tax year, less tax credits and withholding allowed the taxpayer; or

(ii) an amount equal to 100% of the individual's tax liability for the preceding tax year, if the preceding tax year was a period of 12 months and if the individual filed a return for the tax year.

(b) Payment of estimated taxes under this section is not required if:

(i) the combined tax liability of employer withholding and estimated tax for the current year is less than \$500 after reductions for credits and withholding;

(ii) the individual did not have any tax liability for the preceding tax year, which was a tax year of 12 months, and if the individual was a citizen or resident of the United States throughout that tax year;

(iii) the underpayment was caused by reason of casualty, disaster, or other unusual circumstances that the department determines to constitute good cause; or

(iv) the individual retired in the tax year after having attained the age of 62 or if the individual became disabled in the tax year. In addition, payment of estimated taxes under this section is not required in the tax year following the tax year in which the individual retired or became disabled.

(2) Estimated taxes must be paid in four installments according to one of the following schedules:

(a) Subject to the due date provision in 15-30-2604(1)(b), for each taxpayer whose tax year begins on January 1, estimated tax payments are due on the following dates:

Installment	Date
First	April 15
Second	June 15
Third	September 15
Fourth	January 15 of the following tax year

(b) Subject to the due date provision in 15-30-2604(1)(b), for each taxpayer whose tax year begins on a date other than January 1, estimated tax payments are due on the following dates:

Installment	Date
First	15th day of the 4th month following the beginning of the tax year
Second	15th day of the 6th month following the beginning of the tax year
Third	15th day of the 9th month following the beginning of the tax year
Fourth	15th day of the month following the close of the tax year

(3) (a) Except as provided in subsection (4), each installment must be 25% of the required annual payment determined pursuant to subsection (1). If the taxpayer's tax situation changes, each succeeding installment must be

proportionally changed so that the balance of the required annual payment is paid in equal installments over the remaining period of time.

(b) If the taxpayer's tax situation changes after the date for the first installment or any subsequent installment, as specified in subsection (2)(a) or (2)(b), so that the taxpayer is required to pay estimated taxes, the taxpayer shall pay 25% for each succeeding installment except for the first one in which a payment is required. For estimated taxes required to be paid beginning with the second installment provided for in subsection (2)(a) or (2)(b), the taxpayer shall pay 50% for that installment and 25% for the third and fourth installments, respectively. For estimated taxes required to be paid beginning with the third installment provided for in subsection (2)(a) or (2)(b), the taxpayer shall pay 75% for that installment and 25% for the fourth installment.

(4) (a) If for any required installment the taxpayer determines that the installment payment is less than the amount determined under subsection (3)(a), the lower amount may be paid as an annualized income installment.

(b) For any required installment, the annualized income installment is the applicable percentage described in subsection (4)(c) applied to the tax computed on the basis of annualized *Montana* taxable income in the tax year for the months ending before the due date for the installment less the total amount of any prior required installments for the tax year.

(c) For the purposes of this subsection (4), the applicable percentage is determined according to the following schedule:

Required Installment	Applicable Percentage
First	22.5%
Second	45%
Third	67.5%
Fourth	90%

(d) A reduction in a required installment resulting from the application of an annualized income installment must be recaptured by increasing the amount of the next required installment, determined under subsection (3)(a), by the amount of the reduction. Any subsequent installment must be increased by the amount of the reduction until the amount has been recaptured.

(5) (a) Subject to subsection ~~(5)(f)~~ (5)(e), if an estimated tax, an employer withholding tax, or a combination of estimated tax and employer withholding tax is underpaid, there must be added to the amount due under this chapter interest on the amount of the underpayment as provided in 15-1-216. The interest is computed on the amount of the underpayment, as determined in subsection (5)(b), for the period from the time the payment was due to the date payment was made or to the 15th day of the 4th month of the year following the tax year in which the payment was to be made, whichever is earlier.

(b) For the purpose of determining the amount of interest due in subsection (5)(a), the amount of the underpayment is the required installment amount less the installment amount paid, if any, on or before the due date for the installment.

(c) For the purpose of determining the amount of interest due in subsection (5)(a), an estimated payment must be credited against unpaid required installments in the order in which those installments are required to be paid.

~~(d) For a married taxpayer filing separately on the same form, the interest provided for in subsection (5)(a) must be computed on the combined tax liability after reductions for credits and withholding, as shown on the taxpayer's return.~~

(e)(d) Interest may not be charged with respect to any underpayment of the fourth installment of estimated taxes if:

(i) the taxpayer pays in full the amount computed on the return as payable; and

(ii) the taxpayer files a return on or before the last day of the month following the close of the tax year referred to in subsection (2)(a) or (2)(b).

(f)(e) Interest on the underpayment of estimated tax may not be assessed against a taxpayer if the tax paid by the taxpayer from employer withholding and estimated tax payments satisfies the requirements of subsection (1)(a)(i) or (1)(a)(ii) and the taxpayer has paid approximately equal quarterly installments of estimated taxes.

(6) For the purposes of this section, "farmer or rancher" means a taxpayer who derives at least 66 2/3% of the taxpayer's gross income, ~~as defined in 15-30-2101~~ *determined for federal income tax purposes*, from farming or ranching operations, or both.

(7) The department shall promulgate rules governing reasonable extensions of time for paying the estimated tax. An extension may not be for more than 6 months."

Section 20. Section 15-30-2602, MCA, is amended to read:

"15-30-2602. Returns and payment of tax – penalty and interest – refunds – credits – inflation adjustment. (1) (a) ~~For both resident and nonresident taxpayers, each If required to file a federal income tax return pursuant to the Internal Revenue Code, each individual, including each nonresident with Montana source income, or each estate or trust shall file a return married couple not filing a joint return and having a gross income for the tax year of more than the maximum standard deduction for that filing status, as determined in 15-30-2132, is liable for a return to be filed on forms and according to rules that the department may prescribe. The gross income amounts referred to in this subsection (1) must be increased by the personal exemption allowance determined in 15-30-2114 for each additional personal exemption allowance that the taxpayer is entitled to claim for the taxpayer and the taxpayer's spouse under 15-30-2114(3) and (4).~~

(b) ~~A taxpayer that is not required to file a federal income tax return shall file a Montana return if the taxpayer has Montana taxable income after taking into consideration the additions and subtractions to federal taxable income in [section 1].~~

(2) ~~In accordance with instructions set forth by the department, each taxpayer who is married and living with a husband or wife and is required to file a return may, at the taxpayer's option, file a joint return with the husband or wife even though one of the spouses has neither gross income nor deductions. If a joint return is made, the tax must be computed on the aggregate taxable income and, subject to 15-30-2646, the liability with respect to the tax is joint and several. If a joint return has been filed for a tax year, the spouses may not file separate returns after the time for filing the return of either has expired unless the department consents.~~

(3)(2) If a taxpayer is unable to make the taxpayer's own return, the return must be made by an authorized agent or by a guardian or other person charged with the care of the person or property of the taxpayer.

(4)(3) All taxpayers, including but not limited to those subject to the provisions of 15-30-2502 and 15-30-2512, shall compute the amount of income tax payable and shall, on or before the date required by this chapter for filing a return, pay to the department any balance of income tax remaining unpaid after crediting the amount withheld, as provided by 15-30-2502, and any payment made by reason of an estimated tax return provided for in 15-30-2512.

However, the tax computed must be greater by \$1 than the amount withheld and paid by estimated return as provided in this chapter. If the amount of tax withheld and the payment of estimated tax exceed by more than \$1 the amount of income tax as computed, the taxpayer is entitled to a refund of the excess.

(5)(4) If the department determines that the amount of tax due is greater than the amount of tax computed by the taxpayer on the return, the department shall mail a notice to the taxpayer as provided in 15-30-2642 of the additional tax proposed to be assessed, including penalty and interest as provided in 15-1-216.

(6)(5) Individual income tax forms distributed by the department for each tax year must contain instructions and tables based on the ~~adjusted base year~~ *Montana income tax* structure for that tax year.”

Section 21. Section 15-30-2605, MCA, is amended to read:

“15-30-2605. Revision of return by department – statute of limitations – examination of records and persons. (1) If, in the opinion of the department, any return of a taxpayer is in any essential respect incorrect, it may revise the return.

(2) If a taxpayer does not file a return as required under this chapter, the department may, at any time, audit the taxpayer or estimate the *Montana* taxable income of the taxpayer from any information in its possession and, based upon the audit or estimate, assess the taxpayer for the taxes, penalties, and interest due the state.

(3) Except as provided in subsections (2) and (4), the amount of tax due under any return may be determined by the department within 3 years after the return was filed, regardless of whether the return was filed on or after the last day prescribed for filing. For the purposes of 15-30-2607 and this section, a tax return due under this chapter and filed before the last day prescribed by law or rule is considered to be filed on the last day prescribed for filing.

(4) If a taxpayer, with intent to evade the tax, purposely or knowingly files a false or fraudulent return that violates a provision of this chapter, the amount of tax due may be determined at any time after the return is filed and the tax may be collected at any time after it becomes due.

(5) The department, for the purpose of ascertaining the correctness of any return or for the purpose of making an estimate of *Montana* taxable income of any person where information has been obtained, may also examine or cause to have examined by any agent or representative designated by it for that purpose any books, papers, or records of memoranda bearing upon the matters required to be included in the return and may require the attendance of the person rendering the return or any officer or employee of the person or the attendance of any person having knowledge in the premises and may take testimony and require proof material for its information, with power to administer oaths to the person or persons.”

Section 22. Section 15-30-2606, MCA, is amended to read:

“15-30-2606. Tolling of statute of limitations. The running of the statute of limitations provided for under 15-30-2605 must be suspended during any period that the federal statute of limitations for collection of federal income tax has been suspended by written agreement signed by the taxpayer or when the taxpayer has instituted an action that has the effect of suspending the running of the federal statute of limitations and for 1 additional year. If the taxpayer fails to file an amended Montana return as required by 15-30-2619, the statute of limitations does not apply until 3 years from the date the federal changes become final or the amended federal return was filed. If the taxpayer omits from *federal* gross income, as defined and described in section 61 of the *Internal Revenue Code*, 26 U.S.C. 61, an amount properly includable as *federal*

gross income and the amount is in excess of 25% of the amount of adjusted gross income stated in the return, the statute of limitations does not apply for 2 additional years from the time specified in 15-30-2605.”

Section 23. Section 15-30-2618, MCA, is amended to read:

“15-30-2618. (Temporary) Confidentiality of tax records. (1) Except as provided in 5-12-303, 15-1-106, 17-7-111, and subsections ~~(7) through (9)~~ *(6) through (8)* of this section, in accordance with a proper judicial order, or as otherwise provided by law, it is unlawful to divulge or make known in any manner:

(a) the amount of income or any particulars set forth or disclosed in any individual report or individual return required under this chapter or any other information secured in the administration of this chapter; or

(b) any federal return or federal return information disclosed on any return or report required by rule of the department or under this chapter.

(2) (a) The officers charged with the custody of the reports and returns may not be required to produce them or evidence of anything contained in them in an action or proceeding in a court, except in an action or proceeding:

(i) to which the department is a party under the provisions of this chapter or any other taxing act; or

(ii) on behalf of a party to any action or proceedings under the provisions of this chapter or other taxes when the reports or facts shown by the reports are directly involved in the action or proceedings.

(b) The court may require the production of and may admit in evidence only as much of the reports or of the facts shown by the reports as are pertinent to the action or proceedings.

(3) This section does not prohibit:

(a) the delivery to a taxpayer or the taxpayer’s authorized representative of a certified copy of any return or report filed in connection with the taxpayer’s tax;

(b) the publication of statistics classified to prevent the identification of particular reports or returns and the items of particular reports or returns; or

(c) the inspection by the attorney general or other legal representative of the state of the report or return of any taxpayer who brings an action to set aside or review the tax based on the report or return or against whom an action or proceeding has been instituted in accordance with the provisions of 15-30-2630.

~~(4) The department may deliver to a taxpayer’s spouse the taxpayer’s return or information related to the return for a tax year if the spouse and the taxpayer filed the return with the filing status of married filing separately on the same return. The information being provided to the spouse or reported on the return, including subsequent adjustments or amendments to the return, must be treated in the same manner as if the spouse and the taxpayer filed the return using a joint filing status for that tax year.~~

~~(5)~~(4) Reports and returns must be preserved for at least 3 years and may be preserved until the department orders them to be destroyed.

~~(6)~~(5) Any offense against subsections (1) through ~~(5)~~ (4) is punishable by a fine not exceeding \$500. If the offender is an officer or employee of the state, the offender must be dismissed from office or employment and may not hold any public office or public employment in this state for a period of 1 year after dismissal or, in the case of a former officer or employee, for 1 year after conviction.

~~(7)~~(6) This section may not be construed to prohibit the department from providing taxpayer return information and information from employers’ payroll withholding reports to:

(a) the department of labor and industry to be used for the purpose of investigation and prevention of noncompliance, tax evasion, fraud, and abuse under the unemployment insurance laws;

(b) the state fund to be used for the purpose of investigation and prevention of noncompliance, fraud, and abuse under the workers' compensation program; or

(c) the department of public health and human services to verify, as required under 53-6-133, the income reported by applicants for medical assistance.

(8)(7) The department may permit the commissioner of internal revenue of the United States or the proper officer of any state imposing a tax on the incomes of individuals or the authorized representative of either officer to inspect the return of income of any individual or may furnish to the officer or an authorized representative an abstract of the return of income of any individual or supply the officer with information concerning an item of income contained in a return or disclosed by the report of an investigation of the income or return of income of an individual, but the permission may be granted or information furnished only if the statutes of the United States or of the other state grant substantially similar privileges to the proper officer of this state charged with the administration of this chapter.

(9)(8) On written request to the director or a designee of the director, the department shall furnish:

~~(a) to the department of justice all information necessary to identify those persons qualifying for the additional exemption for blindness pursuant to 15-30-2114(4), for the purpose of enabling the department of justice to administer the provisions of 61-5-105;~~

~~(b)(a)~~ to the department of public health and human services information acquired under 15-30-2616, pertaining to an applicant for public assistance, reasonably necessary for the prevention and detection of public assistance fraud and abuse, provided notice to the applicant has been given;

~~(c)(b)~~ to the department of labor and industry:

(i) for the purpose of prevention and detection of fraud and abuse in and eligibility for benefits under the unemployment compensation and workers' compensation programs, information on whether a taxpayer who is the subject of an ongoing investigation by the department of labor and industry is an employee, an independent contractor, or self-employed; and

(ii) for the purpose of administering the apprenticeship tax credit provided for in 39-6-109, employer and apprentice information necessary to implement 15-30-2357, 15-31-173, and 39-6-109;

~~(d)(c)~~ to the department of fish, wildlife, and parks specific information that is available from income tax returns and required under 87-2-102 to establish the residency requirements of an applicant for hunting and fishing licenses;

~~(e)(d)~~ to the board of regents information required under 20-26-1111;

~~(f)(e)~~ to the legislative fiscal analyst and the office of budget and program planning individual income tax information as provided in 5-12-303, 15-1-106, and 17-7-111. The information provided to the office of budget and program planning must be the same as the information provided to the legislative fiscal analyst.

~~(g)(f)~~ to the department of transportation farm income information based on the most recent income tax return filed by an applicant applying for a refund under 15-70-430, provided that notice to the applicant has been given as provided in 15-70-430. The information obtained by the department of

transportation is subject to the same restrictions on disclosure as are individual income tax returns.

(h)(g) to the department of commerce tax information about a taxpayer whose debt is assigned to the department of revenue for offset or collection pursuant to the terms of Title 17, chapter 4, part 1. The information provided to the department of commerce must be used for the purposes of preventing and detecting fraud or abuse and determining eligibility for grants or loans.

(i)(h) to the superintendent of public instruction information required under 20-9-905. (Terminates June 30, 2025, on occurrence of contingency--sec. 48, Ch. 415, L. 2019; subsection (9)(i) (8)(h) terminates December 31, 2023--sec. 33, Ch. 457, L. 2015.)

15-30-2618. (Effective July 1, 2025, on occurrence of contingency)

Confidentiality of tax records. (1) Except as provided in 5-12-303, 15-1-106, 17-7-111, and subsections (8) and (9) (7) and (8) of this section, in accordance with a proper judicial order, or as otherwise provided by law, it is unlawful to divulge or make known in any manner:

(a) the amount of income or any particulars set forth or disclosed in any individual report or individual return required under this chapter or any other information secured in the administration of this chapter; or

(b) any federal return or federal return information disclosed on any return or report required by rule of the department or under this chapter.

(2) (a) The officers charged with the custody of the reports and returns may not be required to produce them or evidence of anything contained in them in an action or proceeding in a court, except in an action or proceeding:

(i) to which the department is a party under the provisions of this chapter or any other taxing act; or

(ii) on behalf of a party to any action or proceedings under the provisions of this chapter or other taxes when the reports or facts shown by the reports are directly involved in the action or proceedings.

(b) The court may require the production of and may admit in evidence only as much of the reports or of the facts shown by the reports as are pertinent to the action or proceedings.

(3) This section does not prohibit:

(a) the delivery to a taxpayer or the taxpayer's authorized representative of a certified copy of any return or report filed in connection with the taxpayer's tax;

(b) the publication of statistics classified to prevent the identification of particular reports or returns and the items of particular reports or returns; or

(c) the inspection by the attorney general or other legal representative of the state of the report or return of any taxpayer who brings an action to set aside or review the tax based on the report or return or against whom an action or proceeding has been instituted in accordance with the provisions of 15-30-2630.

~~(4) The department may deliver to a taxpayer's spouse the taxpayer's return or information related to the return for a tax year if the spouse and the taxpayer filed the return with the filing status of married filing separately on the same return. The information being provided to the spouse or reported on the return, including subsequent adjustments or amendments to the return, must be treated in the same manner as if the spouse and the taxpayer filed the return using a joint filing status for that tax year.~~

(5)(4) Reports and returns must be preserved for at least 3 years and may be preserved until the department orders them to be destroyed.

(6)(5) Any offense against subsections (1) through (5) (4) is punishable by a fine not exceeding \$500. If the offender is an officer or employee of the

state, the offender must be dismissed from office or employment and may not hold any public office or public employment in this state for a period of 1 year after dismissal or, in the case of a former officer or employee, for 1 year after conviction.

(7)(6) This section may not be construed to prohibit the department from providing taxpayer return information and information from employers' payroll withholding reports to:

(a) the department of labor and industry to be used for the purpose of investigation and prevention of noncompliance, tax evasion, fraud, and abuse under the unemployment insurance laws; or

(b) the state fund to be used for the purpose of investigation and prevention of noncompliance, fraud, and abuse under the workers' compensation program.

(8)(7) The department may permit the commissioner of internal revenue of the United States or the proper officer of any state imposing a tax on the incomes of individuals or the authorized representative of either officer to inspect the return of income of any individual or may furnish to the officer or an authorized representative an abstract of the return of income of any individual or supply the officer with information concerning an item of income contained in a return or disclosed by the report of an investigation of the income or return of income of an individual, but the permission may be granted or information furnished only if the statutes of the United States or of the other state grant substantially similar privileges to the proper officer of this state charged with the administration of this chapter.

(9)(8) On written request to the director or a designee of the director, the department shall furnish:

(a) ~~to the department of justice all information necessary to identify those persons qualifying for the additional exemption for blindness pursuant to 15-30-2114(4), for the purpose of enabling the department of justice to administer the provisions of 61-5-105;~~

(b)(a) to the department of public health and human services information acquired under 15-30-2616, pertaining to an applicant for public assistance, reasonably necessary for the prevention and detection of public assistance fraud and abuse, provided notice to the applicant has been given;

(c)(b) to the department of labor and industry:

(i) for the purpose of prevention and detection of fraud and abuse in and eligibility for benefits under the unemployment compensation and workers' compensation programs, information on whether a taxpayer who is the subject of an ongoing investigation by the department of labor and industry is an employee, an independent contractor, or self-employed; and

(ii) for the purpose of administering the apprenticeship tax credit provided for in 39-6-109, employer and apprentice information necessary to implement 15-30-2357, 15-31-173, and 39-6-109;

(d)(c) to the department of fish, wildlife, and parks specific information that is available from income tax returns and required under 87-2-102 to establish the residency requirements of an applicant for hunting and fishing licenses;

(e)(d) to the board of regents information required under 20-26-1111;

(f)(e) to the legislative fiscal analyst and the office of budget and program planning individual income tax information as provided in 5-12-303, 15-1-106, and 17-7-111. The information provided to the office of budget and program planning must be the same as the information provided to the legislative fiscal analyst.

(g)(f) to the department of transportation farm income information based on the most recent income tax return filed by an applicant applying

for a refund under 15-70-430, provided that notice to the applicant has been given as provided in 15-70-430. The information obtained by the department of transportation is subject to the same restrictions on disclosure as are individual income tax returns.

(h)(g) to the department of commerce tax information about a taxpayer whose debt is assigned to the department of revenue for offset or collection pursuant to the terms of Title 17, chapter 4, part 1. The information provided to the department of commerce must be used for the purposes of preventing and detecting fraud or abuse and determining eligibility for grants or loans.

(i)(h) to the superintendent of public instruction information required under 20-9-905. (Subsection (9)(i) (8)(h) terminates December 31, 2023--sec. 33, Ch. 457, L. 2015.)"

Section 24. Section 15-30-3003, MCA, is amended to read:

"15-30-3003. (Temporary) Montana farm and ranch risk management account -- deposits -- exclusion from income. (1) An individual or a family farm corporation engaged in an eligible agricultural business may ~~create~~ *hold* a Montana farm and ranch risk management account *that is composed of contributions that were made to the account prior to January 1, 2024*, as provided in this part, to use as a risk management tool for the individual's or family farm corporation's agricultural business. The number of risk management accounts that may be ~~created~~ *held* is limited to one for each individual or family farm corporation.

(2) ~~Deposits to the account may be excluded from adjusted gross income as provided in 15-30-2110 in an amount not to exceed the lesser of 20% of the taxpayer's net income attributable to agricultural business included in federal adjusted gross income or \$20,000 a year. For the purposes of this section, a taxpayer is considered to have made a deposit to an account if the deposit is made:~~

~~(a) during the a tax year; or~~

~~(b) for a specific tax year if it is made within 3 1/2 months after the close of the tax year beginning before January 1, 2024.~~

(3) A deposit not distributed within 3 years is considered to have been distributed to the taxpayer as provided in 15-30-3005.

(4) A portion of a deposit distributed within 6 months of the date deposited is income in the year for which an exclusion was taken. The taxpayer shall file a return or amended return as necessary to report the income in the appropriate year. (Terminates on occurrence of contingency--sec. 9, Ch. 262, L. 2001.)"

Section 25. Section 15-30-3004, MCA, is amended to read:

"15-30-3004. (Temporary) Montana farm and ranch risk management account -- creation -- administration. (1) A Montana farm and ranch risk management account is a trust created or organized in the state for the exclusive benefit of the taxpayer. The account trustee must be a financial institution, other than an investment adviser, as defined in 15-62-103, supervised by the United States or by the state of Montana. The trust must be created by written instrument.

~~(2) The trustee may not accept any deposit for any tax year in excess of the amount allowed as a deduction under 15-30-3003.~~

~~(3)(2)~~ The trustee shall report to the department if a portion of a deposit is distributed within 6 months of the date of deposit.

~~(4)(3)~~ The assets of the trust must consist entirely of cash or of obligations that have adequate stated interest and that pay the interest at least annually.

~~(5)(4)~~ All income of the trust must be distributed currently to the grantor.

~~(6)(5)~~ The assets of the trust may not be commingled with other property except in a common trust fund or common investment fund. (Terminates on occurrence of contingency--sec. 9, Ch. 262, L. 2001.)"

Section 26. Section 15-30-3005, MCA, is amended to read:

“15-30-3005. (Temporary) Montana farm and ranch risk management account – distributions. (1) Distributions from the account may be used for any purpose the taxpayer chooses.

(2) Distributions from an account:

(a) are first attributable to income and then to other deposits; and

(b) must be considered to be made from deposits in the order in which the deposits were made, beginning with the earliest deposits. Income is considered to be deposited on the date the income is received by the account.

(3) All distributions from the account are taxable unless:

(a) the deposit, or that portion of the deposit to which the distribution is attributable, was not excluded from ~~adjusted gross income in calculating Montana individual income taxes~~ for the tax year the deposit was made; or

(b) the distribution has already been taxed because it was considered a distribution as provided in subsection (4).

(4) (a) (i) Amounts that are not distributed within the 5-year eligibility period established in subsection (4)(a)(ii) are considered to be distributed to the taxpayer on the last day of the tax year in which the fifth anniversary of the deposit occurs. The distribution is taxable, and a penalty equal to 10% of the tax due on the distributed amount is added to the tax as a penalty.

(ii) The 5-year eligibility period for withdrawal of a deposit without penalty is the due date, including extensions, for the filing of a tax return required by this chapter or, if the taxpayer files earlier, the date the taxpayer files the return for the tax year in which the fifth anniversary of the deposit occurs.

(b) At the end of the first disqualification period after a period in which the taxpayer was engaged in eligible agricultural business, the balance of the account is considered to be distributed to the taxpayer and is taxable to the taxpayer. (Terminates on occurrence of contingency--sec. 9, Ch. 262, L. 2001.)”

Section 27. Section 15-30-3312, MCA, is amended to read:

“15-30-3312. Composite returns and tax. (1) A partnership or S. corporation may elect to file a composite return and pay a composite tax on behalf of participants. A participant is a partner, shareholder, member, or other owner who:

(a) is a nonresident individual, *a nonresident estate, a nonresident trust*, a foreign C. corporation, or a pass-through entity whose only Montana source income for the tax year is from the entity and other partnerships or S. corporations electing to file the composite return and pay the composite tax on behalf of that partner, shareholder, member, or other owner; and

(b) consents to be included in the filing.

(2) (a) Each participant’s composite tax liability is the product obtained by:

(i) determining the tax that would be imposed, using the ~~rates rate~~ specified in 15-30-2103, on the sum obtained by subtracting the ~~allowable standard deduction for a single individual and one exemption allowance basic standard deduction of an individual who is not married and who is not a surviving spouse or head of household, as determined under section 63(c)(2) of the Internal Revenue Code, 26 U.S.C. 63(c)(2)~~, from the participant’s share of the entity’s income from all sources as determined for federal income tax purposes; and

(ii) multiplying that amount by the ratio of the entity’s Montana source income to the entity’s income from all sources for federal income tax purposes.

(b) A participant’s share of the entity’s income is the aggregate of the participant’s share of the entity’s income, gain, loss, or deduction or item of income, gain, loss, or deduction.

(3) The composite tax is the sum of each participant's composite tax liability.

(4) The electing entity:

(a) shall remit the composite tax to the department;

(b) must be responsible for any assessments of additional tax, penalties, and interest, which additional assessments must be based on the total liability reflected in the composite return;

(c) shall represent the participants in any appeals, claims for refund, hearing, or court proceeding in any matters relating to the filing of the composite return;

(d) shall make quarterly estimated tax payments and be subject to the underpayment interest as prescribed by 15-30-2512(5)(a) computed on the composite tax liability included in the filing of a composite return; and

(e) shall retain powers of attorney executed by each participant included in the composite return, authorizing the entity to file the composite return and to act on behalf of each participant.

(5) The composite return must be made on forms the department prescribes and filed on or before the due date, including extensions, for filing the entity information return. The composite return is in lieu of an individual income tax return required under 15-30-2602 and 15-30-2604, a corporate income tax return required under 15-31-111, and an alternative corporate income tax return required under 15-31-403.

(6) The composite tax is in lieu of the taxes imposed under:

(a) 15-30-2103 and 15-30-2104;

(b) 15-31-101 and 15-31-121; and

(c) 15-31-403.

(7) The department may adopt rules that are necessary to implement and administer this section."

Section 28. Section 15-31-162, MCA, is amended to read:

"15-31-162. (Temporary) Small business corporation, partnership, and limited liability company credit for contribution to qualified endowment -- recapture of credit -- deduction included as income.

(1) A contribution to a qualified endowment, as defined in 15-30-2327, by a small business corporation, as defined in 15-30-3301, a partnership, or a limited liability company, as defined in 35-8-102, carrying on any trade or business for which deductions would be allowed under section 162 of the Internal Revenue Code, 26 U.S.C. 162, or carrying on any rental activity qualifies for the credit provided in 15-31-161. The credit must be attributed to shareholders, partners, or members of a limited liability company in the same proportion used to report the corporation's, partnership's, or limited liability company's income or loss for Montana income tax purposes. The maximum credit that a shareholder of a small business corporation, a partner of a partnership, or a member of a limited liability company may claim in a year is \$10,000, ~~subject to the limitations in 15-30-2328(2).~~ The credit allowed under this section may not exceed the taxpayer's income tax liability. There is no carryback or carryforward of the credit permitted under this section, and the credit must be applied to the tax year in which the contribution is made.

(2) (a) If during any tax year a charitable gift is recovered by the small business corporation, partnership, or limited liability company, the entity shall include as income the amount deducted in any prior year that is attributable to the charitable gift.

(b) In the tax year that a charitable gift is recovered, each shareholder, partner, or member shall increase the amount of tax due under 15-30-2103 or 15-31-101 by the amount of the credit allowed in the tax year in which the credit was taken. (Terminates December 31, 2025--secs. 1 through 15, Ch. 254, L. 2019.)"

Section 29. Section 15-31-163, MCA, is amended to read:

“15-31-163. Capital gain exclusion from sale of mobile home park.

(1) The following amount of the gain recognized from the sale or exchange of a mobile home park as defined in 70-33-103 is excluded from ~~adjusted gross~~ *Montana taxable* income or gross income under chapter 30 or 31:

(a) 100% of the recognized gain for a mobile home park with 50 or fewer lots; or

(b) 50% of the recognized gain for a mobile home park with more than 50 lots.

(2) To qualify for the exclusion under this section, the sale must be made to:

(a) a tenants' association or a mobile home park residents' association;

(b) a nonprofit organization under section 501(c)(3) of the Internal Revenue Code that purchases a mobile home park on behalf of tenants' association or mobile home park residents' association;

(c) a county housing authority created under Title 7, chapter 15, part 21; or

(d) a municipal housing authority created under Title 7, chapter 15, parts 44 and 45.

(3) A corporation, an individual, a partnership, an S. corporation, or a disregarded entity qualifies for the exclusion under this section. If the exclusion allowed under this section is taken by a partnership, an S. corporation, or a disregarded entity, the exclusion must be attributed to shareholders, partners, or other owners using the same proportion used to report the partnership's, S. corporation's, or disregarded entity's income or loss for Montana income tax purposes.

(4) For the purpose of this section, “tenants' association” or “mobile home park residents' association” means a group of six or more tenants who reside in a mobile home park, have organized for the purpose of eventual purchase of the mobile home park, have established bylaws of the association, and have obtained the approval by vote of at least 51% of the residents of the mobile home park to purchase the mobile home park.

(5) Property subject to an income or corporate tax exclusion under this section is not eligible for a property tax exemption under Title 15, chapter 6, part 2, while the property is used as a mobile home park.”

Section 30. Section 15-31-1007, MCA, is amended to read:

“15-31-1007. Tax credit for media production. (1) Subject to 15-31-1010 and through the tax year ending December 31, 2029, a production company and its affiliates are allowed a credit against the taxes imposed by chapter 30 and this chapter for investments in a state-certified production approved by the department of commerce as provided in 15-31-1004 and 15-31-1005. The credit is for the base investment made up to 6 months before state certification through completion of the project. The credit must be claimed for the period July 1, 2019, through December 31, 2020, in which the production expenditures were incurred or the compensation was paid unless the credit is transferred to the next tax year because the limits provided for in 15-31-1010 have been met. For periods after December 31, 2020, the credit must be claimed for the year in which the production expenditures were incurred or the compensation was paid unless the credit is transferred to the next tax year because the limits provided for in 15-31-1010 have been met.

(2) To claim the credit provided for in this section:

(a) the production company or its affiliate must have applied to the department of commerce as provided in 15-31-1005 and been approved to claim or transfer the credit; or

(b) the taxpayer must be the entity to which a credit approved pursuant to 15-31-1005 and this section was transferred.

(3) (a) The credit is equal to 20% of the production expenditures in the state in the tax year, plus the additional amounts provided for in subsection (3)(b), but may not in the aggregate exceed 35% of the production company's base investment in the tax year.

(b) Additional amounts for which the credit may be claimed are:

(i) 25% of the compensation paid per production or season of a television series to each crew member or production staff member who is a resident, not to exceed a \$150,000 credit per person;

(ii) 15% of the compensation paid per production or season of a television series to each crew member or production staff member who is not a resident but for whom Montana income taxes have been withheld, not to exceed a \$150,000 credit per person;

(iii) 20% of the first \$7.5 million of compensation paid per production or season of a television series to each actor, director, producer, or writer for whom Montana income taxes have been withheld;

(iv) 30% of compensation paid per production or season of a television series to a student enrolled in a Montana college or university who works on the production for college credit. The credit may not exceed \$50,000 per student. If a credit provided for in this subsection (3)(b)(iv) is claimed for an enrolled student, the credits provided for in subsections (3)(b)(i) through (3)(b)(iii) may not be claimed for the same enrolled student.

(v) an additional 10% of payments made to a Montana college or university for stage rentals, equipment rentals, or location fees for filming on campus;

(vi) an additional 10% of all in-studio facility and equipment rental expenditures incurred in this state for a production that rents a studio for 20 days or more;

(vii) an additional 5% for production expenditures made in an underserved area; and

(viii) an additional 5% of the base investment in the state if the state-certified production includes a Montana screen credit furnished by the state as provided in 15-31-1004(7).

(4) If one production company makes a production expenditure to hire another production company to produce a project or contribute elements of a project for pay, the hired production company is considered a service provider for the hiring company and the hiring company is entitled to claim the credit for all expenditures that are incurred in the state.

(5) Any unused credit may be carried forward for 5 years or may be transferred as provided in 15-31-1008. The credit allowed by this section, including a transferred credit, may not be refunded if the taxpayer has a tax liability less than the amount of the credit.

(6) A taxpayer claiming a credit shall include with the tax return the following information:

(a) the amount of tax credit claimed and transferred for the tax year;

(b) the amount of the tax credit previously claimed or transferred;

(c) the amount of the tax credit carried over from a previous tax year; and

(d) the amount of the tax credit to be carried over to a subsequent tax year.

(7) (a) A taxpayer claiming the credit provided for in this section must claim the credit as provided in subsection (7)(b).

(b) (i) An entity taxed as a corporation for Montana income tax purposes shall claim the credit on its corporate income tax return.

(ii) Individuals, estates, and trusts shall claim a credit allowed under this section on their individual income tax return.

(iii) An entity not taxed as a corporation shall claim the credit allowed under this section on member or partner returns as follows:

(A) corporate partners or members shall claim their share of the credit on their corporate income tax returns;

(B) individual partners or members shall claim their share of the credit on their individual income tax returns; and

(C) partners or members that are estates or trusts shall claim their share of the credit on their fiduciary income tax returns.

(c) In order to prevent disguised sales of the credit provided for in this section, allocations of credits through partnership and membership agreements may not be recognized unless they have a substantial economic effect as that term is defined in 26 U.S.C. 704 and applicable federal regulations.

(8) The credit allowed under this section may not be claimed by a taxpayer if the taxpayer has included the amount of the production expenditure or compensation on which the amount of the credit was computed *in determining Montana taxable income under [section 1] or as a deduction under 15-30-2131 or 15-31-114.*"

Section 31. Section 15-32-104, MCA, is amended to read:

"15-32-104. Limitations on deduction and credit. Tax treatment under 15-32-103 ~~and 15-32-109~~ is limited to persons and firms not primarily engaged in the provision of gas or electricity derived from fossil fuel extraction or conventional hydroelectric development."

Section 32. Section 15-32-106, MCA, is amended to read:

"15-32-106. Procedure for obtaining benefit of deduction or credit. The department of revenue shall provide forms on which a taxpayer may apply for a tax credit under 15-32-109. The department of revenue shall approve a deduction or credit under 15-32-103 ~~or 15-32-109~~ that demonstrably promotes energy conservation or uses a recognized nonfossil form of energy generation. The department of revenue may refer a deduction or credit involving energy generation to the department of environmental quality for its advice, and the department of environmental quality shall respond within 60 days. The department of revenue may refer a deduction or credit involving energy conservation to the department of labor and industry for its advice, and the department of labor and industry shall respond within 60 days. The department of revenue may deny a deduction or credit that it finds to be impractical or ineffective."

Section 33. Section 15-32-610, MCA, is amended to read:

"15-32-610. Deduction for purchase of recycled material. In addition to all other deductions from ~~adjusted gross individual~~ *Montana taxable* income allowed in computing taxable income under Title 15, chapter 30, or from gross corporate income allowed in computing net income under Title 15, chapter 31, part 1, a taxpayer may deduct an additional amount equal to 10% of the taxpayer's expenditures for the purchase of recycled material that was otherwise deductible by the taxpayer as business-related expense in Montana."

Section 34. Section 15-61-202, MCA, is amended to read:

"15-61-202. Tax exemption -- conditions. (1) Except as provided in this section, ~~the amount of principal provided for in subsection (2) contributed annually by an employee or account holder to an account and all interest or other income on that the principal that was contributed to a medical care savings account prior to January 1, 2024,~~ may be excluded from the ~~adjusted gross Montana taxable~~ income of the employee or account holder and ~~are is~~

exempt from taxation, in accordance with ~~15-30-2110(2)(i)~~ [section 1], as long as the principal and interest or other income is contained within the account, distributed to an immediate family member as provided in subsection (6), or withdrawn only for payment of eligible medical expenses or for paying the expenses of administering the account. Any part of the principal or income, or both, withdrawn from an account may not be excluded under subsection (2) and this subsection if the amount is withdrawn from the account and used for a purpose other than an eligible medical expense or for paying the expenses of administering the account.

~~(2) (a) An employee or account holder may annually contribute not more than:~~

~~(i) \$3,500 in tax year 2018;~~

~~(ii) \$4,000 in tax year 2019;~~

~~(iii) an amount determined for each subsequent tax year by multiplying the amount in subsection (2)(a)(ii) by an inflation factor determined by dividing the consumer price index for June of the previous tax year by the consumer price index for June 2018 and rounding the resulting figure to the nearest \$500 increment.~~

~~(b) There~~ For contributions that were made prior to January 1, 2024, there is no limitation on the amount of funds and interest or other income on those funds that may be retained tax-free within an account.

~~(3) A deduction pursuant to 15-30-2131 is not allowed to an employee or account holder for an amount contributed to an account. An employee or account holder may not deduct pursuant to 15-30-2131 or exclude pursuant to 15-30-2110 an amount representing a loss in the value of an investment contained in an account.~~

~~(4)(3)~~ The transfer of money in an account owned by one employee or account holder to the account of another employee or account holder who is an immediate family member of the first employee or account holder does not subject either employee or account holder to tax liability under this section. Amounts contained within the account of the receiving employee or account holder are subject to the requirements and limitations provided in this section.

~~(5)(4)~~ The employee or account holder who establishes the account is the owner of the account. An employee or account holder may withdraw money in an account and deposit the money in another account with a different or with the same account administrator without incurring tax liability.

~~(6)(5)~~ Within 30 days of being furnished proof of the death of the employee or account holder, the account administrator shall distribute the principal and accumulated interest or other income in the account to the estate of the employee or account holder or to a designated pay-on-death beneficiary as provided in 72-6-223. An immediate family member who receives the distribution provided for in this subsection becomes the account holder and may:

(a) within 1 year of the death of the employee or account holder from which the account was inherited, withdraw funds for eligible medical expenses incurred by the deceased; and

(b) ~~contribute to the account~~, retain money in the account tax-free; and withdraw funds from the account as provided in this chapter.”

Section 35. Section 15-61-203, MCA, is amended to read:

“15-61-203. Withdrawal of funds from account for purposes other than eligible medical expenses. (1) An employee or account holder may withdraw money from the individual’s medical care savings account for any purpose other than an eligible medical expense or for paying the expenses of administering the account only on the last business day of the account administrator’s business year. Money withdrawn from an account pursuant to

this subsection *that had been excluded from taxation* must be taxed as ordinary income of the employee or account holder.

(2) There is a penalty equal to 10% of the amount of a withdrawal for a withdrawal other than for eligible medical expenses or for expenses of administering the account or other than on the last business day of the account administrator's business year. The administrator may withhold the penalty from the amount of the withdrawal and, on behalf of the employee or account holder, pay the penalty to the department of ~~revenue~~. Payments made to the department pursuant to this section must be deposited in the general fund. Money withdrawn from an account pursuant to this subsection must be taxed as ordinary income of the employee or account holder *if it had been excluded from taxation*.

(3) For the purposes of this section, "last business day of the account administrator's business year", as applied to an account administrator who is also the account holder or an employee, means the last weekday in December."

Section 36. Section 15-62-103, MCA, is amended to read:

"15-62-103. Definitions. As used in this chapter, the following definitions apply:

(1) "Account" means an individual participating trust account established under this chapter.

(2) "Account owner" means the person who enters into a participating trust agreement and who is designated at the time that an account is opened as having the right to withdraw money from the account before the account is disbursed to or for the benefit of the designated beneficiary.

(3) "Board" means the board of regents of higher education established by Article X, section 9, subsection (2), of the Montana constitution and 2-15-1505.

(4) "Committee" means the family education savings program oversight committee established in 20-25-901.

(5) "Contributor" means a person who makes a contribution to an account for the benefit of a designated beneficiary.

(6) "Designated beneficiary" means, with respect to an account, the person designated at the time that the account is opened as the person whose ~~higher~~ education expenses are expected to be paid from the account or if this person is replaced in accordance with 15-62-202, the individual replacing the former designated beneficiary.

(7) "*Education expense*" means *expenses for tuition, fees, books, supplies, equipment required for an education program, principal or interest on any qualified education loan, and any other typical education expense associated with an education program up to the maximum amount allowable under section 529 of the Internal Revenue Code, 26 U.S.C. 529, as amended.*

(7)(8) "Financial institution" means any bank, commercial bank, national bank, savings bank, savings and loan association, credit union, insurance company, trust company, investment adviser, or other similar entity that is authorized to do business in this state.

(8)(9) "Higher education institution" means an eligible educational institution as defined in section 529(e)(5) of the Internal Revenue Code, 26 U.S.C. 529(e)(5).

(9)(10) "Investment products" means, without limitation, certificates of deposit, savings accounts paying fixed or variable interest, financial instruments, one or more mutual funds, and a mix of mutual funds.

(10)(11) "Member of the family" means, with respect to a designated beneficiary, a member of the family of the designated beneficiary as defined in section 529(e)(2) of the Internal Revenue Code, 26 U.S.C. 529(e)(2).

~~(11)~~(12) "Nonqualified withdrawal" means a withdrawal from an account that is not:

- (a) a qualified withdrawal;
- (b) a withdrawal made as the result of the death or disability of the designated beneficiary of an account;
- (c) a withdrawal that is made on the account of a scholarship or the allowance or payment described in section 135(d)(1)(B) or (d)(1)(C) of the Internal Revenue Code, 26 U.S.C. 135(d)(1)(B) or (d)(1)(C), and that is received by the designated beneficiary; or
- (d) a rollover or change of designated beneficiary described in 15-62-202.

~~(12)~~(13) "Participating trust agreement" means an agreement between the board, as trustee and as administrator of the program, and the account owner that creates a trust interest in the trust and provides for participation in the program.

~~(13)~~(14) "Program" means the family education savings program established pursuant to 15-62-201. The program must be structured to permit the long-term accumulation of savings that can be used to finance all or a share of the costs of higher education.

~~(14)~~(15) "Qualified higher education expenses" means ~~qualified higher education expenses as defined in any education expense permitted by section 529(e)(3) of the Internal Revenue Code, 26 U.S.C. 529(e)(3).~~

(16) "*Qualified tuition program*" means *a qualified tuition program as defined in section 529 of the Internal Revenue Code, 26 U.S.C. 529.*

~~(15)~~(17) "Qualified withdrawal" means a withdrawal from an account to pay the qualified higher education expenses of the designated beneficiary of the account.

~~(16)~~(18) "Trust" means the family education savings trust established by 15-62-301.

~~(17)~~(19) "Trustee" means the board in its capacity as trustee of the trust.

~~(18)~~(20) "Trust interest" means an account owner's interest in the trust created by a participating trust agreement and held for the benefit of a designated beneficiary."

Section 37. Section 15-62-201, MCA, is amended to read:

"15-62-201. Program requirements – application – establishment of account – qualified and nonqualified withdrawal – penalties. (1) The program must be operated through use of accounts in the trust established by account owners. Payments to the trust for participation in the program must be made by account owners pursuant to participating trust agreements. A person who wishes to participate in the program and open an account into which funds will be deposited to pay the qualified higher education expenses of a designated beneficiary shall:

(a) enter into a participating trust agreement pursuant to which an account will be established as a participating trust of the trust;

(b) complete an application on the form prescribed by the board that includes:

(i) the name, address, and social security number or employer identification number of the contributor;

(ii) the name, address, and social security number of the account owner if the account owner is not the contributor;

(iii) the name, address, and social security number of the designated beneficiary;

(iv) the certification relating to no excess contributions adopted by the board pursuant to 20-25-902;

(v) the designation of the financial institution with which the funds in the participating trust will be invested; and

(vi) any other information required by the board;

(c) pay the one-time application fee established by the board;

(d) make the minimum contribution required by the board or by opening an account; and

(e) designate the type of account to be opened if more than one type of account is offered.

(2) A person shall make contributions to an opened account in cash.

(3) An account owner may withdraw all or part of the balance from an account under rules prescribed by the board. The rules must be used to help the board or program manager to determine if a withdrawal is a nonqualified withdrawal or a qualified withdrawal to the extent that the board concludes that it is necessary for the board or program manager to make that determination. The rules may require that:

(a) account owners seeking to make a qualified withdrawal or other withdrawal that is not a nonqualified withdrawal shall provide certifications, copies of bills for qualified higher education expenses, or other supporting material;

(b) qualified withdrawals from an account be made only by a check payable jointly to the designated beneficiary and a higher education institution; and

(c) withdrawals not meeting certain requirements be treated as nonqualified withdrawals by the program manager, and if these withdrawals are not nonqualified withdrawals, the account owner shall seek refunds of penalties directly from the board.

(4) If the board determines that it is required to impose a penalty on nonqualified withdrawals for the program to qualify as a qualified state tuition program or a qualified tuition program under section 529 of the Internal Revenue Code, 26 U.S.C. 529, the board may impose a penalty in an amount equal to 10% of the portion of the proposed withdrawal that would constitute income as determined in accordance with section 529 of the Internal Revenue Code, 26 U.S.C. 529. The penalty must be withheld and paid to the board for use in operating and marketing the program and for state student financial aid.

(5) The board, by rule, shall increase the percentage of the penalty prescribed in subsection (4) or change the basis of this penalty if the board determines that the amount of the penalty must be increased to constitute a minimum penalty for purposes of qualifying the program as a qualified state tuition program or a qualified tuition program under section 529 of the Internal Revenue Code, 26 U.S.C. 529.

(6) The board may decrease the percentage of the penalty prescribed in subsection (4) if:

(a) the penalty is greater than is required to constitute a minimum penalty for purposes of qualifying the program as a qualified state tuition program or qualified tuition program under section 529 of the Internal Revenue Code, 26 U.S.C. 529; or

(b) the penalty, when combined with other revenue generated under this chapter, is producing more revenue than is required to cover the costs of operating and marketing the program and to recover any costs not previously recovered.

(7) If an account owner makes a nonqualified withdrawal and a penalty imposed under subsection (4) is not withheld pursuant to subsection (4) or the amount withheld was less than the amount required to be withheld under that subsection for nonqualified withdrawals, the account owner shall pay:

(a) the unpaid portion of the penalty to the board at the same time that the account owner files a federal and state income tax return for the taxable year of the withdrawal; or

(b) if the account owner does not file a return, the unpaid portion of the penalty on the due date for federal and state income tax returns, including any authorized extensions.

(8) Each account must be maintained separately from each other account under the program.

(9) Separate records and accounting must be maintained for each account for each designated beneficiary.

(10) A contributor to, account owner of, or designated beneficiary of an account may not direct the investment of any contributions to any account or the earnings generated by the account in violation of section 529 of the Internal Revenue Code, 26 U.S.C. 529, and may not pledge the interest of an account or use an interest in an account as security for a loan.

(11) If there is any distribution from an account to any person or for the benefit of any person during a calendar year, the distribution must be reported to the internal revenue service and the account owner or the designated beneficiary to the extent required by federal law.

(12) The financial institution shall provide statements to each account owner whose participating trusts are invested with the institution at least once each year within 31 days after the 12-month period to which they relate. The statement must identify the contributions made during a preceding 12-month period, the total contributions made through the end of the period, the value of the account as of the end of this period, distributions made during this period, and any other matters that the board requires be reported to the account owner.

(13) Statements and information returns relating to accounts must be prepared and filed to the extent required by federal or state tax law or by administrative rule.

(14) A state or local government or organizations described in section 501(c)(3) of the Internal Revenue Code, 26 U.S.C. 501(c)(3), may, without designating a designated beneficiary, open and become the account owner of an account to fund scholarships for persons whose identity will be determined after an account is opened.”

Section 38. Section 15-62-206, MCA, is amended to read:

“15-62-206. Limitations. (1) This chapter may not be construed to:

(a) give any designated beneficiary any rights or legal interest with respect to an account unless the designated beneficiary is the account owner;

(b) guarantee that a designated beneficiary will be admitted to a higher education institution or be allowed to continue enrollment at or graduate from a higher education institution located in this state after admission;

(c) establish state residency for a person merely because the person is a designated beneficiary; or

(d) guarantee that amounts saved pursuant to the program will be sufficient to cover the qualified ~~higher~~ education expenses of a designated beneficiary.

(2) This chapter does not establish any obligation of this state or any agency or instrumentality of the state to guarantee for the benefit of any account owner, contributor to an account, or designated beneficiary:

(a) the return of any amounts contributed to an account;

(b) the rate of interest or other return on any account; or

(c) the payment of interest or other return on any account.

(3) Under rules adopted by the board, each contract, application, offering or disclosure document, and any other type of document identified by the board that may be used in connection with a contribution to an account must clearly indicate that the account is not insured by the state and that the principal deposited or the investment return is not guaranteed by the state."

Section 39. Section 15-62-207, MCA, is amended to read:

"15-62-207. Deductions for contributions. An individual who contributes to one or more accounts in a tax year is entitled to reduce the individual's adjusted gross income, in accordance with ~~15-30-2110(11)~~ [section 1], by the total amount of the contributions, but not more than \$3,000. The contribution must be made to an account owned by the contributor, the contributor's spouse, or the contributor's child or stepchild if the contributor's child or stepchild is a Montana resident."

Section 40. Section 15-62-208, MCA, is amended to read:

"15-62-208. Tax on certain withdrawals of deductible contributions.

(1) There is a recapture tax at a rate equal to the highest rate of tax provided in 15-30-2103 on the recapturable withdrawal of amounts that ~~reduced adjusted gross income under 15-30-2110(11)~~ were deducted from income in calculating *Montana individual income taxes*.

(2) For purposes of determining the portion of a recapturable withdrawal that reduced ~~adjusted gross income~~ *Montana individual income taxes*, all withdrawals must be allocated between income and contributions in accordance with the principles applicable under section 529(c)(3)(A) of the Internal Revenue Code of 1986, 26 U.S.C. 529(c)(3)(A). The portion of a recapturable withdrawal that is allocated to contributions must be treated as derived first from contributions, if any, that did not reduce ~~adjusted gross income~~ *Montana individual income taxes*, to the extent of those contributions, and then to contributions that reduced ~~adjusted gross income~~ *Montana individual income taxes*. The portion of any other withdrawal that is allocated to contributions must be treated as first derived from contributions that reduced ~~adjusted gross income~~ *Montana individual income taxes*, to the extent of the contributions, and then to contributions that did not reduce ~~adjusted gross income~~ *Montana individual income taxes*.

(3) (a) The recapture tax imposed by this section is payable by the owner of the account from which the withdrawal or contribution was made. The tax liability must be reported on the income tax return of the account owner and is payable with the income tax payment for the year of the withdrawal or at the time that an income tax payment would be due for the year of the withdrawal. The account owner is liable for the tax even if the account owner is not a Montana resident at the time of the withdrawal.

(b) The department may require withholding on recapturable withdrawals from an account that was at one time owned by a Montana resident if the account owner is not a Montana resident at the time of the withdrawal. For the purposes of this subsection (3)(b), amounts rolled over from an account that was at one time owned by a Montana resident must be treated as if the account is owned by a resident of Montana.

(4) For the purposes of this section, all contributions made to accounts by residents of Montana are presumed to have reduced the contributor's ~~adjusted gross income~~ *Montana individual income taxes* unless the contributor can demonstrate that all or a portion of the contributions did not reduce ~~adjusted gross income~~ *Montana individual income taxes*. ~~Contributors who claim deductions for contributions shall report on their Montana income tax returns the amount of deductible contributions made to accounts for each designated beneficiary and the social security number of each designated beneficiary.~~

(5) As used in this section, “recapturable withdrawal” means a withdrawal or distribution that is a nonqualified withdrawal or a withdrawal or distribution from an account that was opened after the later of:

(a) April 30, 2001; or

(b) the date that is 3 years prior to the date of the withdrawal or distribution.

(6) The department shall use all means available for the administration and enforcement of income tax laws in the administration and enforcement of this section.”

Section 41. Section 15-63-202, MCA, is amended to read:

“15-63-202. Tax exemption – conditions. (1) Except as provided in this section, the amount of principal provided for in subsection (2) contributed ~~annually prior to January 1, 2024~~, by an account holder to an account and all interest or other income on the principal ~~that was contributed prior to January 1, 2024~~, may be excluded from ~~the adjusted gross~~ Montana taxable income of the account holder and is exempt from taxation, in accordance with ~~15-30-2110(2)(k)~~ [section 1], as long as the principal and interest or other income is contained within the account or withdrawn only for eligible costs for the purchase of a single-family residence by a first-time home buyer. Any part of the principal or income, or both, withdrawn from an account may not be excluded under subsection (2) and this subsection if the amount is withdrawn from the account and used for a purpose other than for eligible costs for the purchase of a single-family residence.

(2) ~~(a) An account holder who files singly, head of household, or married filing separately may exclude as an annual contribution in 1 year up to \$3,000.~~

~~(b) An account holder who files jointly may exclude as annual contribution in 1 year up to \$6,000.~~

~~(c) There For contributions to principal that were made prior to January 1, 2024, there is no limitation on the amount of principal and interest or other income on the principal that may be retained tax-free within an account.~~

~~(d) An account holder may not contribute to the first-time home buyer savings account for a period exceeding 10 years.~~

~~(3) An account holder may not deduct pursuant to 15-30-2131 or exclude pursuant to 15-30-2110 an amount representing a loss in the value of an investment contained in an account.~~

~~(4) Each year, an account holder may deposit into an account more than the amount excluded pursuant to subsection (2) if the exemption claimed by the account holder in the year does not exceed the amount specified in subsection (2)(a) or (2)(b). An account holder who deposits more than the amount specified in subsection (2)(a) or (2)(b) into an account in a year may exclude from the account holder's adjusted gross income, in accordance with 15-30-2110(2)(k), in a subsequent year any part of the amount specified in subsection (2)(a) or (2)(b) per year not previously excluded.~~

~~(5) The transfer of money by a person other than the account holder to the account of an account holder does not subject the account holder to tax liability under this section. Amounts contained within the account of the receiving account holder are subject to the requirements and limitations provided in this section. The person other than the account holder who transfers money to the account is not entitled to the tax exemption under this section.~~

~~(6)(3) The account holder who establishes the account, individually or jointly, is the owner of the account. An account holder may withdraw money in an account and deposit the money in another account with a different account administrator or with the same account administrator without incurring tax liability.~~

(7)(4) The account holder shall use the money in the account for the eligible costs related to the purchase of a single-family residence within 10 years following the year in which the account was established. Any principal and income in the account not expended on eligible costs at the time of purchase of a single-family residence or any principal or income remaining in the account on December 31 of the last year of the 10-year period must be taxed as ordinary income.

(8)(5) The amount of a disbursement of any assets of a first-time home buyer savings account pursuant to a filing for protection under the United States Bankruptcy Code, 11 U.S.C. 101 through 1330, by an account holder does not subject the account holder to tax liability.

(9)(6) Within 30 days of being furnished proof of the death of the account holder, the account administrator shall distribute the principal and accumulated interest or other income in the account to the estate of the account holder or to a designated pay-on-death beneficiary as provided in 72-6-223."

Section 42. Section 19-2-1004, MCA, is amended to read:

"19-2-1004. Exemption from taxes and legal process. (1) Except as provided in 19-2-907, 19-2-909, and subsection (2) of this section, the right of a person to any benefit or payment from a retirement system or plan and the money in the system or plan's pension trust fund is not:

- (a) subject to execution, garnishment, attachment, or any other process;
- (b) subject to state, county, or municipal taxes except for:

~~(i) a benefit or annuity received in excess of the amount determined pursuant to 15-30-2110(2)(c); or~~

~~(ii) a refund of a member's regular contributions picked up by an employer after June 30, 1985, as provided in 19-3-315, 19-5-402, 19-6-402, 19-7-403, 19-8-502, 19-9-710, or 19-13-601; or~~

- (c) assignable except as specifically provided in this chapter.

(2) The right of a person to any benefit or payment from a retirement system or plan and the money in the system's or plan's pension trust fund associated with that benefit or payment is subject, once the person is entitled to distribution of the benefit or payment, to:

- (a) a United States tax lien or levy for past-due taxes; and
- (b) execution, garnishment, attachment, levy, or other process related to the collection of criminal fines and orders of restitution imposed under federal law as provided for in 18 U.S.C. 3613."

Section 43. Section 19-17-407, MCA, is amended to read:

"19-17-407. Exemption from taxation and legal process. (1) ~~The amount determined pursuant to 15-30-2110(2)(c) of benefits received under this part is exempt from state, county, and municipal taxation.~~

(2) Except as provided in 19-2-907, 19-2-909, and subsection (3) (2) of this section, benefits received under this part are not subject to execution, garnishment, attachment, or any other process.

(3)(2) The right of a person to any benefit or payment and the money in the plan's pension trust fund associated with that benefit or payment is subject, once the person is entitled to distribution of the benefit or payment, to:

- (a) a United States tax lien or levy for past-due taxes; and
- (b) execution, garnishment, attachment, levy, or other process related to the collection of criminal fines and orders of restitution imposed under federal law as provided for in 18 U.S.C. 3613."

Section 44. Section 19-18-612, MCA, is amended to read:

"19-18-612. Protection of benefits from legal process and taxation – nonassignability. (1) Except for execution or withholding for the payment of child support or for the payment of spousal support for a spouse or former

spouse who is the custodial parent of the child, payments made or to be made under this chapter are not subject to judgments, garnishment, execution, or other legal process. A person entitled to a pension may not assign the right, and the association and trustees may not recognize any assignment or pay over any sum assigned.

~~(2) The amount determined pursuant to 15-30-2110(2)(c) of benefits received under this part is exempt from state, county, and municipal taxation."~~

Section 45. Section 19-19-504, MCA, is amended to read:

"19-19-504. Protection of benefits from legal process and taxation.

(1) Except for execution or withholding for the payment of child support or for the payment of spousal support for a spouse or former spouse who is the custodial parent of the child, the benefits provided for in this part are not subject to execution, garnishment, attachment, or the operation of bankruptcy, insolvency, or other process of law and are unassignable except as specifically provided in 19-19-505.

~~(2) The amount determined pursuant to 15-30-2110(2)(c) of benefits received under this part is exempt from state, county, and municipal taxation."~~

Section 46. Section 19-20-706, MCA, is amended to read:

"19-20-706. Exemption from taxation and legal process. Except as provided in 19-20-305 and 19-20-306, the retirement allowances or any other benefits accrued or accruing to any person under the provisions of the retirement system and the accumulated contributions and cash and securities in the various funds of the retirement system are:

(1) exempted from any state, county, or municipal tax of the state of Montana except for:

(a) a retirement allowance received in excess of the amount determined pursuant to 15-30-2110(2)(c); or

(b) a refund paid under 19-20-603 of a member's contributions picked up by an employer after June 30, 1985, as provided in 19-20-602;

(2) not subject to execution, garnishment, attachment by trustee process or otherwise, in law or equity, or any other process; and

(3) unassignable except as specifically provided in this chapter."

Section 47. Section 19-21-212, MCA, is amended to read:

"19-21-212. Exemption from taxation, legal process, and assessments. Except for execution or withholding for the payment of child support or for the payment of spousal support for a spouse or former spouse who is the custodial parent of the child, contracts, benefits, and contributions under the university system retirement program and the earnings on the contributions are:

(1) except for a retirement allowance received in excess of the amount determined pursuant to 15-30-2110(2)(c), exempt from any state, county, or municipal tax;

(2) not subject to execution, garnishment, attachment, or other process;

(3) not covered or assessable by an insurance guaranty association; and

(4) unassignable except as specifically provided in the contracts."

Section 48. Section 20-4-503, MCA, is amended to read:

"20-4-503. Critical quality educator shortage areas – impacted schools. (1) The board of public education, in consultation with the office of public instruction, shall:

(a) maintain and make publicly available a current list of impacted schools; and

(b) based on reporting by impacted schools or school districts in which impacted schools are located, identify within each impacted school, critical quality educator shortage areas under 20-4-502(1)(a). The board of public

education shall also establish a process for impacted schools to report and qualify, no later than 5 days after submission of a written report on a form developed by the board, a current vacancy for a critical quality educator shortage area under the criteria set forth in 20-4-502(1)(b). Critical quality educator shortage areas qualifying under 20-4-502(1)(b) are eligible for loan repayment assistance independent of the report under subsection (2) of this section.

(2) The board of public education shall publish by December 1 an annual report listing the critical quality educator shortage areas under 20-4-502(1)(a) in each impacted school. The report must apply to the school year that begins July 1 following the publication of the report in order to assist recruitment by impacted schools. For the school year beginning July 1, 2019, eligibility for the program based on the criteria under 20-4-502(1)(a) must be governed by the report adopted by the board of public education by December 1, 2019.

(3) A quality educator working at an impacted school in a critical quality educator shortage area is eligible for repayment of all or part of the quality educator's outstanding educational loans existing at the time of application in accordance with the eligibility and award criteria established under this part. If a quality educator is eligible for loan assistance and remains employed in the same impacted school or another impacted school within the same school district and in the same critical quality educator shortage area for which the quality educator was originally eligible, the quality educator remains eligible for up to 3 years of state-funded loan repayment assistance and an additional 1 year of loan repayment assistance funded by the impacted school or the district under which the impacted school is operated pursuant to 20-4-504(2). ~~Both state-funded and locally funded loan repayment assistance under this section is exempt from taxation as specified in 15-30-2110(14)."~~

Section 49. Section 20-25-902, MCA, is amended to read:

"20-25-902. Board – powers and duties. (1) The board shall:

(a) retain professional services, if necessary, including services of accountants, auditors, consultants, and other experts;

(b) seek rulings and other guidance relating to the program from the United States department of the treasury and the internal revenue service;

(c) make changes to the program as required for the participants in the program to obtain the federal income tax benefits or treatment provided by section 529 of the Internal Revenue Code, 26 U.S.C. 529, as amended;

(d) charge, impose, and collect administrative fees and service charges pursuant to any agreement, contract, or transaction relating to the program;

(e) select the financial institution or institutions to act as the program manager pursuant to 15-62-203;

(f) on the recommendation of the committee, adopt rules to prevent contributions on behalf of a designated beneficiary in excess of those necessary to pay the qualified higher education expenses of the designated beneficiaries. The rules must address the following:

(i) procedures for aggregating the total balances of multiple accounts established for a designated beneficiary;

(ii) the establishment of a maximum total balance that may be held in accounts for a designated beneficiary;

(iii) requirements that persons who contribute to an account certify that to the best of their knowledge, the balance in all qualified state tuition programs, as defined in section 529 of the Internal Revenue Code, 26 U.S.C. 529, for the designated beneficiary does not exceed the lesser of:

(A) a maximum college savings amount established by the board; or

(B) the cost in current dollars of qualified ~~higher~~ education expenses that the contributor reasonably anticipates the designated beneficiary will incur;

(iv) requirements that any excess balances with respect to a designated beneficiary be promptly withdrawn in a nonqualified withdrawal or rolled over to another account in accordance with this section;

(g) adopt procedures as necessary to implement Title 15, chapter 62;

(h) serve as trustee of the family education savings trust established in 15-62-301;

(i) enter into participating trust agreements with account owners; and

(j) maintain the program on behalf of the state as required by section 529 of the Internal Revenue Code, 26 U.S.C. 529.

(2) The definitions in 15-62-103 apply to this section.”

Section 50. Section 33-27-101, MCA, is amended to read:

“33-27-101. Short title. Sections 15-30-2118, ~~15-30-2141~~, 15-31-117, 15-31-118, and this chapter may be cited as the “Independent Liability Fund Act”.

Section 51. Section 33-27-102, MCA, is amended to read:

“33-27-102. Purpose. The purpose of 15-30-2118, ~~15-30-2141~~, 15-31-117, 15-31-118, and this chapter is to create a means by which small businesses operating in Montana may establish independent liability funds to set aside assets or make investments to meet any liability claims that might be made against the small businesses by third parties.”

Section 52. Section 33-27-103, MCA, is amended to read:

“33-27-103. Definitions. As used in 15-30-2118, ~~15-30-2141~~, 15-31-117, 15-31-118, and this chapter, the following definitions apply:

(1) “Fiscal year” means the 12-month period used by a particular small business in preparing and filing its Montana individual income tax, corporate income tax, or alternative corporate income tax return.

(2) “Independent liability fund” means a collection of money, assets, and investments that has been set aside by a small business to meet the needs of any liability claims, except workers’ compensation claims, brought against it by third parties.

(3) “Liability claim” means any legal or extralegal action by a third party asserting a right to compensation for a wrong done to it by a small business with an independent liability fund.

(4) “Small business” means any commercial or nonprofit enterprise qualified to do business in the state and qualified as a small business under the criteria established by the federal small business administration on April 20, 1987.

(5) “Third party” means a person other than an employee or the management of a small business or of a subsidiary or closely related enterprise of a small business.”

Section 53. Section 37-4-104, MCA, is amended to read:

“37-4-104. Twelve-month period for disposition of deceased or disabled dentist’s practice by personal representative – restrictions.

(1) For the purpose of selling or otherwise disposing of a deceased or a disabled licensee’s dental practice and for a period not to exceed 12 months, a person who is not licensed to practice dentistry but who is the personal representative of the estate of a deceased dentist or the personal representative of a disabled dentist may contract with a dentist to manage the dental practice at an establishment where dental operations, oral surgery, or dental services are provided.

(2) A personal representative may not:

(a) govern the clinical sufficiency, suitability, reliability, or efficacy of a particular service, product, process, or activity as it relates to the delivery of dental care;

(b) preclude or otherwise restrict a dentist's ability to exercise independent professional judgment over all qualitative and quantitative aspects of the delivery of dental care;

(c) allow any person other than a dentist to supervise and control the selection, compensation, terms, conditions, obligations, or privileges of employment or retention of clinical personnel in the dental practice;

(d) determine or limit a fee charged by the dentist or limit the methods of payment accepted by a dentist or the dentist's practice; or

(e) limit or define the scope of services offered by the dentist.

(3) For the purposes of this section:

(a) "clinical" means having a significant relationship, whether real or potential, direct or indirect, to the actual rendering or outcome of dental care, the practice of dentistry, or the quality of dental care being rendered to a patient;

(b) "disabled" ~~has the same meaning as provided for the term "permanently and totally disabled" in 15-30-2110~~ means unable to engage in any substantial gainful activity by reason of any medically determined physical or mental impairment lasting or expected to last at least 12 months; and

(c) "personal representative" of the estate of a deceased dentist has the same meaning as provided for the term in 72-1-103.

(4) The 12-month period provided for in subsection (1) begins when:

(a) the personal representative of the estate of a deceased dentist files a verified copy of the death certificate of the deceased with the department; or

(b) the personal representative of the disabled dentist files a verified copy of a document signed by a licensed physician that attests to the dentist's disability."

Section 54. Section 50-51-114, MCA, is amended to read:

"50-51-114. Emergency lodging program – definitions. (1) There is an emergency lodging program for licensed establishments located in Montana to assist designated charitable organizations in providing short-term lodging in Montana to individuals and families displaced from their residences.

(2) ~~Except as provided in subsection (8), participating establishments may receive a tax credit as provided in 15-30-2381 and 15-31-171 for providing~~ The purpose of the program is to provide emergency lodging to an individual or family who is:

(a) in immediate need of shelter based on an imminent or existing threat to the safety or security of the individual or family; and

(b) referred to the establishment by a designated charitable organization.

(3) ~~Except as provided in subsection (8), establishments participating in the emergency lodging program are eligible for a tax credit as provided in 15-30-2381 and 15-31-171 for up to 5 nights of lodging for each individual or family per calendar year.~~

~~(4)(3)~~ Emergency lodging provided under this section must be provided at no cost to the individual or the referring organization.

~~(5)(4)~~ Participating establishments may offer lodging based on availability of rooms.

~~(6)(5)~~ The department shall maintain a registry of designated charitable organizations and shall provide a list of approved organizations to establishments on request. The department shall seek comment from

appropriate statewide nonprofit organizations when developing and updating the registry.

(7)(6) For the purposes of 50-51-115 and this section, “designated charitable organization” means an organization approved by the department to make referrals for emergency lodging.

(8) ~~The tax credit referred to in subsections (2) and (3) does not apply to the costs of providing lodging to an individual who is displaced by a major disaster declared by the president under 42 U.S.C. 5170 or 5191 and who receives financial assistance for temporary housing under 42 U.S.C. 5174.”~~

Section 55. Section 53-2-211, MCA, is amended to read:

“53-2-211. Department to share eligibility data. (1) The department shall make available to the unemployment compensation program of the department of labor and industry all information contained in its files and records pertaining to eligibility of persons for medicaid, cash assistance and nonfinancial assistance, as defined in 53-2-902, and food stamps. The information made available must include information on the amount and source of an applicant’s income. The information received from the department must be used by the department of labor and industry for the purpose of determining fraud, abuse, or eligibility for benefits under the unemployment compensation program of the state and for no other purpose.

(2) The department shall make available to the unemployment compensation and workers’ compensation programs of the department of labor and industry all information contained in its files and records pertaining to eligibility of persons for low-income energy assistance and weatherization. The information made available must include information on the amount and source of an applicant’s income. The information received from the department must be used by the department of labor and industry for the purpose of determining fraud, abuse, or eligibility for benefits under the unemployment compensation and workers’ compensation programs of the state and for no other purpose.

(3) (a) Subject to federal restrictions, the department may request information from the department of labor and industry pertaining to unemployment, workers’ compensation, and occupational disease benefits. If the department of labor and industry discovers evidence relating to fraud or abuse for unemployment, workers’ compensation, or occupational benefits, the department of labor and industry may request information from the department of revenue pertaining to income as provided in ~~15-30-2618(9)(c) 15-30-2618(8)(b)~~.

(b) The information must be used by the department for the purpose of determining fraud, abuse, or eligibility for benefits.

(4) The department may, to the extent permitted by federal law, make available to an agency of the state or to any other organization information contained in its files and records pertaining to the eligibility of persons for medicaid, cash assistance and nonfinancial assistance, as defined in 53-2-902, food stamps, low-income energy assistance, weatherization, or other public assistance.”

Section 56. Section 53-25-117, MCA, is amended to read:

“53-25-117. Deductions for contributions. An individual who contributes to one or more accounts established pursuant to this chapter in a tax year is entitled to reduce the individual’s ~~adjusted gross~~ *Montana taxable* income, in accordance with ~~15-30-2110(12)~~ *[section 1]*, by the total amount of the contributions, but not more than \$3,000, if the individual is:

- (1) the designated beneficiary;
- (2) the spouse of the designated beneficiary; or

(3) a parent, grandparent, sibling, or child related to the designated beneficiary by blood, marriage, or legal adoption.”

Section 57. Section 53-25-118, MCA, is amended to read:

“53-25-118. Tax on certain withdrawals of deductible contributions.

(1) There is a recapture tax at a rate equal to the highest rate of tax provided in 15-30-2103 on the recapturable withdrawal of amounts that ~~reduced adjusted gross income under 15-30-2110(12) were deducted from income in calculating Montana individual income taxes.~~

(2) For purposes of determining the portion of a recapturable withdrawal that reduced ~~adjusted gross income Montana individual income taxes~~, all withdrawals must be allocated between income and contributions in accordance with the principles applicable under section 529A(c)(3) of the Internal Revenue Code, 26 U.S.C. 529A(c)(3). The portion of a recapturable withdrawal that is allocated to contributions must be treated as derived first from contributions, if any, that did not reduce ~~adjusted gross income Montana individual income taxes~~, to the extent of those contributions, and then to contributions that reduced ~~adjusted gross income Montana individual income taxes~~. The portion of any other withdrawal that is allocated to contributions must be treated as first derived from contributions that reduced ~~adjusted gross income Montana individual income taxes~~, to the extent of those contributions, and then to contributions that did not reduce ~~adjusted gross income Montana individual income taxes~~.

(3) (a) The recapture tax imposed by this section is payable by the designated beneficiary of the account from which the withdrawal or contribution was made. The tax liability must be reported on the designated beneficiary's income tax return and is payable with the income tax payment for the year of the withdrawal or at the time that an income tax payment would be due for the year of the withdrawal. The designated beneficiary is liable for the tax even if the designated beneficiary is not a Montana resident at the time of the withdrawal.

(b) The department of revenue may require withholding on recapturable withdrawals from an account that was at one time owned by a Montana resident if the designated beneficiary is not a Montana resident at the time of the withdrawal. For the purposes of this subsection (3)(b), amounts rolled over from an account that was at one time owned by a Montana resident must be treated as if the account is owned by a resident of Montana.

(4) For the purposes of this section, all contributions made to accounts by residents of Montana who are eligible for the deduction allowed under 53-25-117 are presumed to have reduced the contributor's ~~adjusted gross income Montana individual income taxes~~ in the amount of the contribution, up to the maximum allowed by law, unless the contributor can demonstrate that all or a portion of the contributions did not reduce ~~adjusted gross income Montana individual income taxes~~. Contributors who claim deductions for contributions shall report on their Montana income tax returns the amount of deductible contributions made to accounts for each designated beneficiary and the social security number of each designated beneficiary.

(5) The department of revenue shall use all means available for the administration and enforcement of income tax laws in the administration and enforcement of this section.

(6) As used in this section, “recapturable withdrawal” means a withdrawal or distribution that is a nonqualified withdrawal.”

Section 58. Section 67-11-303, MCA, is amended to read:

“67-11-303. Bonds and obligations. (1) An authority may borrow money for any of its corporate purposes and issue its bonds for those purposes,

including refunding bonds, in the form and upon the terms that it may determine, payable out of any revenue of the authority, including revenue derived from:

- (a) an airport or air navigation facility or facilities;
- (b) taxes levied pursuant to 67-11-301 or other law for airport purposes;
- (c) grants or contributions from the federal government; or
- (d) other sources.

(2) The bonds may be issued by resolution of the authority, without an election and without any limitation of amount, except that bonds may not be issued at any time if the total amount of principal and interest to become due in any year on the bonds and on any then-outstanding bonds for which revenue from the same source or sources is pledged exceeds the amount of revenue to be received in that year as estimated in the resolution authorizing the issuance of the bonds. The authority shall take all action necessary and possible to impose, maintain, and collect rates, charges, rentals, and taxes, if any is pledged, sufficient to make the revenue from the pledged source in the year at least equal to the amount of principal and interest due in that year.

(3) The bonds may be sold at public or private sale and may bear interest as provided in 17-5-102. Except as otherwise provided in this section, any bonds issued pursuant to this chapter by an authority may be payable as to principal and interest solely from revenue of the authority and must state on their face the applicable limitations or restrictions regarding the source from which the principal and interest are payable.

(4) Bonds issued by an authority or municipality pursuant to the provisions of this chapter are declared to be issued for an essential public and governmental purpose by a political subdivision ~~within the meaning of 15-30-2110(2)(a).~~

(5) For the security of bonds, the authority or municipality may by resolution make and enter into any covenant, agreement, or indenture and may exercise any additional powers authorized to be exercised by a municipality under Title 7, chapter 7, parts 44 and 45. The sums required from time to time to pay principal and interest and to create and maintain a reserve for the bonds may be paid from any revenue referred to in this chapter, prior to the payment of current costs of operation and maintenance of the facilities.

(6) Subject to the conditions stated in this subsection, the governing body of any municipality having a population in excess of 10,000, with respect to bonds issued pursuant to this chapter by the municipality or by an authority in which the municipality is included, may by resolution covenant that in the event that at any time all revenue, including taxes, appropriated and collected for the bonds is insufficient to pay principal or interest then due, it shall, subject to 15-10-420, levy a general tax upon all of the taxable property in the municipality for the payment of the deficiency. The governing body may further covenant that at any time a deficiency is likely to occur within 1 year for the payment of principal and interest due on the bonds, it shall, subject to 15-10-420, levy a general tax upon all the taxable property in the municipality for the payment of the deficiency, and the taxes are limited to a rate estimated to be sufficient to produce the amount of the deficiency. In the event that more than one municipality having a population in excess of 10,000 is included in an authority issuing bonds pursuant to this chapter, the municipalities may apportion the obligation to levy taxes for the payment of, or in anticipation of, a deficiency in the revenue appropriated for the bonds in a manner that the municipalities may determine. The resolution must state the principal amount and purpose of the bonds and the substance of the covenant respecting deficiencies. A resolution may not be effective until the question of its approval

has been submitted to the qualified electors of the municipality at a special election called for that purpose by the governing body of the municipality and a majority of the electors voting on the question have voted in favor of the resolution. The special election must be held in conjunction with a regular or primary election. The notice and conduct of the election is governed, to the extent applicable, as provided for municipal general obligation bonds in Title 7, chapter 7, part 42, for an election called by cities and towns and as provided for county general obligation bonds in Title 7, chapter 7, part 22, for an election called by counties. If a majority of the electors voting on the issue vote against approval of the resolution, the municipality may not make the covenant or levy a tax for the payment of deficiencies pursuant to this section, but the municipality or authority may issue bonds under this chapter payable solely from the sources referred to in subsection (1).”

Section 59. Section 70-9-803, MCA, is amended to read:

“70-9-803. Presumptions of abandonment. (1) Except as provided in subsection (6), property is presumed abandoned if it is unclaimed by the apparent owner during the time set forth below for the particular property:

- (a) traveler’s check, 15 years after issuance;
- (b) money order, 7 years after issuance;
- (c) stock or other equity interest in a business association or financial organization, including a security entitlement under Title 30, chapter 8, 5 years after the earlier of:

- (i) the date of the most recent dividend, stock split, or other distribution that was unclaimed by the apparent owner; or

- (ii) the date of the second mailing of a statement of account or other notification or communication that was returned as undeliverable or after the holder discontinued mailings, notifications, or communications to the apparent owner;

- (d) debt of a business association or financial organization, other than a bearer bond or an original issue discount bond, 5 years after the date of the most recent interest payment that was unclaimed by the apparent owner;

- (e) demand, savings, or time deposit, including a deposit that is automatically renewable, 5 years after the earlier of maturity or the date of the last indication by the owner of interest in the property; however, a deposit that is automatically renewable is considered matured for purposes of this section upon its initial date of maturity unless the owner has consented to a renewal at or about the time of the renewal and the consent is in writing or is evidenced by a memorandum or other record on file with the holder;

- (f) money or credits owed to a customer as a result of a retail business transaction, 3 years after the obligation accrued;

- (g) gift certificate, 3 years after December 31 of the year in which the certificate was sold, but if redeemable in merchandise only, the amount abandoned is considered to be 60% of the certificate’s face value. A gift certificate is not presumed abandoned if the gift certificate was sold by a person who in the past fiscal year sold no more than \$200,000 in gift certificates, which amount must be adjusted by November of each year by the inflation factor defined in ~~15-30-2101~~. The amount considered abandoned for a person who sells more than the amount that triggers presumption of abandonment is the value of gift certificates greater than that trigger.

- (h) amount that is owed by an insurer on a life or endowment insurance policy or an annuity that has matured or terminated, 3 years after the obligation to pay arose or, in the case of a policy or annuity payable upon proof of death, 3 years after the insured has attained, or would have attained if living, the limiting age under the mortality table on which the reserve is based;

(i) property distributable by a business association or financial organization in a course of dissolution, 1 year after the property becomes distributable;

(j) property received by a court as proceeds of a class action and not distributed pursuant to the judgment, 1 year after the distribution date;

(k) except as provided in subsection (1)(q), property held by a court, government, governmental subdivision, agency, or instrumentality, 1 year after the property becomes distributable;

(l) wages or other compensation for personal services, 1 year after the compensation becomes payable;

(m) deposit or refund owed to a subscriber by a utility, 1 year after the deposit or refund becomes payable;

(n) property in an individual retirement account, defined benefit plan, or other account or plan that is qualified for tax deferral under the income tax laws of the United States, 3 years after the earliest of the date of the distribution or attempted distribution of the property, the date of the required distribution as stated in the plan or trust agreement governing the plan, or the date, if determinable by the holder, specified in the income tax laws of the United States by which distribution of the property must begin in order to avoid a tax penalty;

(o) a patronage refund owed to a member of a rural electric or telephone cooperative organized under Title 35, chapter 18, that is not used by the cooperative for educational purposes, 5 years after the distribution date;

(p) an unclaimed share in a cooperative that is not used for charitable or civic purposes in the community in which the cooperative is located, 5 years after the distribution date;

(q) surplus funds held by a county treasurer pursuant to 15-18-221, 5 years; and

(r) all other property, 5 years after the owner's right to demand the property or after the obligation to pay or distribute the property arises, whichever first occurs.

(2) At the time that an interest is presumed abandoned under subsection (1), any other property right accrued or accruing to the owner as a result of the interest, and not previously presumed abandoned, is also presumed abandoned.

(3) Property is unclaimed if, for the applicable period set forth in subsection (1), the apparent owner has not communicated in writing or by other means reflected in a contemporaneous record prepared by or on behalf of the holder with the holder concerning the property or the account in which the property is held and has not otherwise indicated an interest in the property. A communication with an owner by a person other than the holder or its representative who has not in writing identified the property to the owner is not an indication of interest in the property by the owner.

(4) An indication of an owner's interest in property includes:

(a) the presentment of a check or other instrument of payment of a dividend or other distribution made with respect to an account or underlying stock or other interest in a business association or financial organization or, in the case of a distribution made by electronic or similar means, evidence that the distribution has been received;

(b) owner-directed activity in the account in which the property is held, including a direction by the owner to increase, decrease, or change the amount or type of property held in the account;

(c) the making of a deposit to or withdrawal from an account in a financial organization; and

(d) the payment of a premium with respect to a property interest in an insurance policy; however, the application of an automatic premium loan provision or other nonforfeiture provision contained in an insurance policy does not prevent a policy from maturing or terminating if the insured has died or the insured or the beneficiary of the policy has otherwise become entitled to the proceeds before the depletion of the cash surrender value of a policy by the application of those provisions.

(5) Property is payable or distributable for purposes of this part notwithstanding the owner's failure to make demand or present an instrument or document otherwise required to obtain payment.

(6) The presumption provided in subsection (1) does not apply to:

(a) unclaimed patronage refunds of a rural electric or telephone cooperative if the cooperative uses the refunds exclusively for educational purposes; or

(b) unclaimed shares in a nonutility cooperative if the cooperative uses the shares for charitable or civic purposes in the community in which the cooperative is located.

(7) *For the purposes of this section, "inflation factor" means a number determined for each tax year by dividing the consumer price index for June of the previous tax year by the consumer price index for June 2015."*

Section 60. Section 75-2-103, MCA, is amended to read:

"75-2-103. Definitions. Unless the context requires otherwise, in this chapter, the following definitions apply:

(1) "Air contaminant" means dust, fumes, mist, smoke, other particulate matter, vapor, gas, odorous substances, or any combination of those air contaminants.

(2) "Air pollutants" means one or more air contaminants that are present in the outdoor atmosphere, including those pollutants regulated pursuant to section 7412 and Subchapter V of the federal Clean Air Act, 42 U.S.C. 7401, et seq.

(3) "Air pollution" means the presence of air pollutants in a quantity and for a duration that are or tend to be injurious to human health or welfare, animal or plant life, or property or that would unreasonably interfere with the enjoyment of life, property, or the conduct of business.

(4) "Associated supporting infrastructure" means:

(a) electric transmission and distribution facilities;

(b) pipeline facilities;

(c) aboveground ponds and reservoirs and underground storage reservoirs;

(d) rail transportation;

(e) aqueducts and diversion dams;

(f) devices or equipment associated with the delivery of an energy form or product produced at an energy development project; or

(g) other supporting infrastructure, as defined by board rule, that is necessary for an energy development project.

(5) "Board" means the board of environmental review provided for in 2-15-3502.

(6) (a) "Commercial hazardous waste incinerator" means:

(i) an incinerator that burns hazardous waste; or

(ii) a boiler or industrial furnace subject to the provisions of 75-10-406.

(b) Commercial hazardous waste incinerator does not include a research and development facility that receives federal or state research funds and that burns hazardous waste primarily to test and evaluate waste treatment remediation technologies.

(7) "Department" means the department of environmental quality provided for in 2-15-3501.

(8) "Emission" means a release into the outdoor atmosphere of air contaminants.

(9) (a) "Energy development project" means each plant, unit, or other development and associated developments, including any associated supporting infrastructure, designed for or capable of:

- (i) generating electricity;
- (ii) producing gas derived from coal;
- (iii) producing liquid hydrocarbon products;
- (iv) refining crude oil or natural gas;
- (v) producing alcohol to be blended for ethanol-blended gasoline and that are eligible for a tax incentive pursuant to Title 15, chapter 70, part 5; or
- ~~(vi) producing biodiesel and that are eligible for a tax incentive for the production of biodiesel pursuant to 15-32-701; or~~
- ~~(vii)~~(vi) transmitting electricity through an electric transmission line with a design capacity of equal to or greater than 50 kilovolts.

(b) The term does not include a nuclear facility as defined in 75-20-1202.

(10) "Environmental protection law" means a law contained in or an administrative rule adopted pursuant to Title 75, chapter 2, 5, 10, or 11.

(11) "Hazardous waste" means:

(a) a substance defined as hazardous under 75-10-403 or defined as hazardous in department administrative rules adopted pursuant to Title 75, chapter 10, part 4; or

(b) a waste containing 2 parts or more per million of polychlorinated biphenyl (PCB).

(12) (a) "Incinerator" means any single- or multiple-chambered combustion device that burns combustible material, alone or with a supplemental fuel or with catalytic combustion assistance, primarily for the purpose of removal, destruction, disposal, or volume reduction of any portion of the input material.

(b) Incinerator does not include:

- (i) safety flares used to combust or dispose of hazardous or toxic gases at industrial facilities, such as refineries, gas sweetening plants, oil and gas wells, sulfur recovery plants, or elemental phosphorus plants;
- (ii) space heaters that burn used oil;
- (iii) wood-fired boilers; or
- (iv) wood waste burners, such as tepee, wigwam, truncated cone, or silo burners.

(13) "Medical waste" means any waste that is generated in the diagnosis, treatment, or immunization of human beings or animals, in medical research on humans or animals, or in the production or testing of biologicals. The term includes:

- (a) cultures and stocks of infectious agents;
- (b) human pathological wastes;
- (c) waste human blood or products of human blood;
- (d) sharps;
- (e) contaminated animal carcasses, body parts, and bedding that were known to have been exposed to infectious agents during research;
- (f) laboratory wastes and wastes from autopsy or surgery that were in contact with infectious agents; and
- (g) biological waste and discarded material contaminated with blood, excretion, exudates, or secretions from humans or animals.

(14) (a) "Oil or gas well facility" means a well that produces oil or natural gas. The term includes:

(i) equipment associated with the well and used for the purpose of producing, treating, separating, or storing oil, natural gas, or other liquids produced by the well; and

(ii) a group of wells under common ownership or control that produce oil or natural gas and that share common equipment used for the purpose of producing, treating, separating, or storing oil, natural gas, or other liquids produced by the wells.

(b) The equipment referred to in subsection (14)(a) includes but is not limited to wellhead assemblies, amine units, prime mover engines, phase separators, heater treater units, dehydrator units, tanks, and connecting tubing.

(c) The term does not include equipment such as compressor engines used for transmission of oil or natural gas.

(15) "Person" means an individual, a partnership, a firm, an association, a municipality, a public or private corporation, the state or a subdivision or agency of the state, a trust, an estate, an interstate body, the federal government or an agency of the federal government, or any other legal entity and includes persons resident in Canada.

(16) "Principal" means a principal of a corporation, including but not limited to a partner, associate, officer, parent corporation, or subsidiary corporation.

(17) "Small business stationary source" means a stationary source that:

(a) is owned or operated by a person who employs 100 or fewer individuals;

(b) is a small business concern as defined in the Small Business Act, 15 U.S.C. 631, et seq.;

(c) is not a major stationary source as defined in Subchapter V of the federal Clean Air Act, 42 U.S.C. 7661, et seq.;

(d) emits less than 50 tons per year of an air pollutant;

(e) emits less than a total of 75 tons per year of all air pollutants combined; and

(f) is not excluded from this definition under 75-2-108(3).

(18) (a) "Solid waste" means all putrescible and nonputrescible solid, semisolid, liquid, or gaseous wastes, including but not limited to garbage; rubbish; refuse; ashes; swill; food wastes; commercial or industrial wastes; medical waste; sludge from sewage treatment plants, water supply treatment plants, or air pollution control facilities; construction, demolition, or salvage wastes; dead animals, dead animal parts, offal, animal droppings, or litter; discarded home and industrial appliances; automobile bodies, tires, interiors, or parts thereof; wood products or wood byproducts and inert materials; styrofoam and other plastics; rubber materials; asphalt shingles; tarpaper; electrical equipment, transformers, or insulated wire; oil or petroleum products or oil or petroleum products and inert materials; treated lumber and timbers; and pathogenic or infectious waste.

(b) Solid waste does not include municipal sewage, industrial wastewater effluents, mining wastes regulated under the mining and reclamation laws administered by the department of environmental quality, or slash and forest debris regulated under laws administered by the department of natural resources and conservation."

Section 61. Section 75-5-103, MCA, is amended to read:

"75-5-103. (Temporary) Definitions. Unless the context requires otherwise, in this chapter, the following definitions apply:

(1) "Associated supporting infrastructure" means:

(a) electric transmission and distribution facilities;

(b) pipeline facilities;

(c) aboveground ponds and reservoirs and underground storage reservoirs;

(d) rail transportation;
(e) aqueducts and diversion dams;
(f) devices or equipment associated with the delivery of an energy form or product produced at an energy development project; or

(g) other supporting infrastructure, as defined by board rule, that is necessary for an energy development project.

(2) (a) "Base numeric nutrient standards" means numeric water quality criteria for nutrients in surface water that are adopted to protect the designated uses of a surface water body.

(b) The term does not include numeric water quality standards for nitrate, nitrate plus nitrite, or nitrite that are adopted to protect human health.

(3) "Board" means the board of environmental review provided for in 2-15-3502.

(4) "Contamination" means impairment of the quality of state waters by sewage, industrial wastes, or other wastes, creating a hazard to human health.

(5) "Council" means the water pollution control advisory council provided for in 2-15-2107.

(6) (a) "Currently available data" means data that is readily available to the department at the time a decision is made, including information supporting its previous lists of water bodies that are threatened or impaired.

(b) The term does not mean new data to be obtained as a result of department efforts.

(7) "Degradation" means a change in water quality that lowers the quality of high-quality waters for a parameter. The term does not include those changes in water quality determined to be nonsignificant pursuant to 75-5-301(5)(c).

(8) "Department" means the department of environmental quality provided for in 2-15-3501.

(9) "Disposal system" means a system for disposing of sewage, industrial, or other wastes and includes sewage systems and treatment works.

(10) "Effluent standard" means a restriction or prohibition on quantities, rates, and concentrations of chemical, physical, biological, and other constituents that are discharged into state waters.

(11) (a) "Energy development project" means each plant, unit, or other development and associated developments, including any associated supporting infrastructure, designed for or capable of:

(i) generating electricity;
(ii) producing gas derived from coal;
(iii) producing liquid hydrocarbon products;
(iv) refining crude oil or natural gas;
(v) producing alcohol to be blended for ethanol-blended gasoline and that are eligible for a tax incentive pursuant to Title 15, chapter 70, part 5; or

~~(vi) producing biodiesel and that are eligible for a tax incentive for the production of biodiesel pursuant to 15-32-701; or~~

~~(vii)~~(vi) transmitting electricity through an electric transmission line with a design capacity of equal to or greater than 50 kilovolts.

(b) The term does not include a nuclear facility as defined in 75-20-1202.

(12) "Existing uses" means those uses actually attained in state waters on or after July 1, 1971, whether or not those uses are included in the water quality standards.

(13) "High-quality waters" means all state waters, except:

(a) ground water classified as of January 1, 1995, within the "III" or "IV" classifications established by the board's classification rules; and

(b) surface waters that:

(i) are not capable of supporting any one of the designated uses for their classification; or

(ii) have zero flow or surface expression for more than 270 days during most years.

(14) "Impaired water body" means a water body or stream segment for which sufficient credible data shows that the water body or stream segment is failing to achieve compliance with applicable water quality standards.

(15) "Industrial waste" means a waste substance from the process of business or industry or from the development of any natural resource, together with any sewage that may be present.

(16) "Interested person" means a person who has a real property interest, a water right, or an economic interest that is or may be directly and adversely affected by the department's preliminary decision regarding degradation of state waters, pursuant to 75-5-303. The term includes a person who has requested authorization to degrade high-quality waters.

(17) "Load allocation" means the portion of a receiving water's loading capacity that is allocated to one of its existing or future nonpoint sources or to natural background sources.

(18) "Loading capacity" means the mass of a pollutant that a water body can assimilate without a violation of water quality standards. For pollutants that cannot be measured in terms of mass, it means the maximum change that can occur from the best practicable condition in a surface water without causing a violation of the surface water quality standards.

(19) "Local department of health" means the staff, including health officers, employed by a county, city, city-county, or district board of health.

(20) "Metal parameters" includes but is not limited to aluminum, antimony, arsenic, beryllium, barium, cadmium, chromium, copper, fluoride, iron, lead, manganese, mercury, nickel, selenium, silver, thallium, and zinc.

(21) "Mixing zone" means an area established in a permit or final decision on nondegradation issued by the department where water quality standards may be exceeded, subject to conditions that are imposed by the department and that are consistent with the rules adopted by the board.

(22) "Nutrient standards variance" means numeric water quality criteria for nutrients based on a determination that base numeric nutrient standards cannot be achieved because of economic impacts or because of the limits of technology. The term includes individual, general, and alternative nutrient standards variances in accordance with 75-5-313.

(23) "Nutrient work group" means an advisory work group, convened by the department, representing publicly owned and privately owned point sources of pollution, nonpoint sources of pollution, and other interested parties that will advise the department on the base numeric nutrient standards, the development of nutrient standards variances, and the implementation of those standards and variances together with associated economic impacts.

(24) "Other wastes" means garbage, municipal refuse, decayed wood, sawdust, shavings, bark, lime, sand, ashes, offal, night soil, oil, grease, tar, heat, chemicals, dead animals, sediment, wrecked or discarded equipment, radioactive materials, solid waste, and all other substances that may pollute state waters.

(25) "Outstanding resource waters" means:

(a) state surface waters located wholly within the boundaries of areas designated as national parks or national wilderness areas as of October 1, 1995; or

(b) other surface waters or ground waters classified by the board under the provisions of 75-5-316 and approved by the legislature.

(26) "Owner or operator" means a person who owns, leases, operates, controls, or supervises a point source.

(27) "Parameter" means a physical, biological, or chemical property of state water when a value of that property affects the quality of the state water.

(28) "Person" means the state, a political subdivision of the state, institution, firm, corporation, partnership, individual, or other entity and includes persons resident in Canada.

(29) "Point source" means a discernible, confined, and discrete conveyance, including but not limited to any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, or vessel or other floating craft, from which pollutants are or may be discharged.

(30) (a) "Pollution" means:

(i) contamination or other alteration of the physical, chemical, or biological properties of state waters that exceeds that permitted by Montana water quality standards, including but not limited to standards relating to change in temperature, taste, color, turbidity, or odor; or

(ii) the discharge, seepage, drainage, infiltration, or flow of liquid, gaseous, solid, radioactive, or other substance into state water that will or is likely to create a nuisance or render the waters harmful, detrimental, or injurious to public health, recreation, safety, or welfare, to livestock, or to wild animals, birds, fish, or other wildlife.

(b) The term does not include:

(i) a discharge, seepage, drainage, infiltration, or flow that is authorized under the pollution discharge permit rules adopted by the board under this chapter;

(ii) activities conducted under this chapter that comply with the conditions imposed by the department in short-term authorizations pursuant to 75-5-308;

(iii) contamination of ground water within the boundaries of an underground mine using in situ coal gasification and operating in accordance with a permit issued under 82-4-221.

(c) Contamination referred to in subsection (30)(b)(iii) does not require a mixing zone.

(31) "Sewage" means water-carried waste products from residences, public buildings, institutions, or other buildings, including discharge from human beings or animals, together with ground water infiltration and surface water present.

(32) "Sewage system" means a device for collecting or conducting sewage, industrial wastes, or other wastes to an ultimate disposal point.

(33) "Standard of performance" means a standard adopted by the board for the control of the discharge of pollutants that reflects the greatest degree of effluent reduction achievable through application of the best available demonstrated control technology, processes, operating methods, or other alternatives, including, when practicable, a standard permitting no discharge of pollutants.

(34) (a) "State waters" means a body of water, irrigation system, or drainage system, either surface or underground.

(b) The term does not apply to:

(i) ponds or lagoons used solely for treating, transporting, or impounding pollutants; or

(ii) irrigation waters or land application disposal waters when the waters are used up within the irrigation or land application disposal system and the waters are not returned to state waters.

(35) “Sufficient credible data” means chemical, physical, or biological monitoring data, alone or in combination with narrative information, that supports a finding as to whether a water body is achieving compliance with applicable water quality standards.

(36) “Threatened water body” means a water body or stream segment for which sufficient credible data and calculated increases in loads show that the water body or stream segment is fully supporting its designated uses but threatened for a particular designated use because of:

(a) proposed sources that are not subject to pollution prevention or control actions required by a discharge permit, the nondegradation provisions, or reasonable land, soil, and water conservation practices; or

(b) documented adverse pollution trends.

(37) “Total maximum daily load” or “TMDL” means the sum of the individual waste load allocations for point sources and load allocations for both nonpoint sources and natural background sources established at a level necessary to achieve compliance with applicable surface water quality standards.

(38) “Treatment works” means works, including sewage lagoons, installed for treating or holding sewage, industrial wastes, or other wastes.

(39) “Waste load allocation” means the portion of a receiving water’s loading capacity that is allocated to one of its existing or future point sources.

(40) “Water quality protection practices” means those activities, prohibitions, maintenance procedures, or other management practices applied to point and nonpoint sources designed to protect, maintain, and improve the quality of state waters. Water quality protection practices include but are not limited to treatment requirements, standards of performance, effluent standards, and operating procedures and practices to control site runoff, spillage or leaks, sludge or water disposal, or drainage from material storage.

(41) “Water well” means an excavation that is drilled, cored, bored, washed, driven, dug, jetted, or otherwise constructed and intended for the location, diversion, artificial recharge, or acquisition of ground water.

(42) “Watershed advisory group” means a group of individuals who wish to participate in an advisory capacity in revising and reprioritizing the list of water bodies developed under 75-5-702 and in the development of TMDLs under 75-5-703, including those groups or individuals requested by the department to participate in an advisory capacity as provided in 75-5-704.

75-5-103. (Effective on occurrence of contingency) Definitions. Unless the context requires otherwise, in this chapter, the following definitions apply:

(1) “Associated supporting infrastructure” means:

(a) electric transmission and distribution facilities;

(b) pipeline facilities;

(c) aboveground ponds and reservoirs and underground storage reservoirs;

(d) rail transportation;

(e) aqueducts and diversion dams;

(f) devices or equipment associated with the delivery of an energy form or product produced at an energy development project; or

(g) other supporting infrastructure, as defined by board rule, that is necessary for an energy development project.

(2) (a) “Base numeric nutrient standards” means numeric water quality criteria for nutrients in surface water that are adopted to protect the designated uses of a surface water body.

(b) The term does not include numeric water quality standards for nitrate, nitrate plus nitrite, or nitrite that are adopted to protect human health.

(3) "Board" means the board of environmental review provided for in 2-15-3502.

(4) "Contamination" means impairment of the quality of state waters by sewage, industrial wastes, or other wastes, creating a hazard to human health.

(5) "Council" means the water pollution control advisory council provided for in 2-15-2107.

(6) (a) "Currently available data" means data that is readily available to the department at the time a decision is made, including information supporting its previous lists of water bodies that are threatened or impaired.

(b) The term does not mean new data to be obtained as a result of department efforts.

(7) "Degradation" means a change in water quality that lowers the quality of high-quality waters for a parameter. The term does not include those changes in water quality determined to be nonsignificant pursuant to 75-5-301(5)(c).

(8) "Department" means the department of environmental quality provided for in 2-15-3501.

(9) "Disposal system" means a system for disposing of sewage, industrial, or other wastes and includes sewage systems and treatment works.

(10) "Effluent standard" means a restriction or prohibition on quantities, rates, and concentrations of chemical, physical, biological, and other constituents that are discharged into state waters.

(11) (a) "Energy development project" means each plant, unit, or other development and associated developments, including any associated supporting infrastructure, designed for or capable of:

(i) generating electricity;

(ii) producing gas derived from coal;

(iii) producing liquid hydrocarbon products;

(iv) refining crude oil or natural gas;

(v) producing alcohol to be blended for ethanol-blended gasoline and that are eligible for a tax incentive pursuant to Title 15, chapter 70, part 5; or

~~(vi) producing biodiesel and that are eligible for a tax incentive for the production of biodiesel pursuant to 15-32-701; or~~

(vii)(vi) transmitting electricity through an electric transmission line with a design capacity of equal to or greater than 50 kilovolts.

(b) The term does not include a nuclear facility as defined in 75-20-1202.

(12) "Existing uses" means those uses actually attained in state waters on or after July 1, 1971, whether or not those uses are included in the water quality standards.

(13) "High-quality waters" means all state waters, except:

(a) ground water classified as of January 1, 1995, within the "III" or "IV" classifications established by the board's classification rules; and

(b) surface waters that:

(i) are not capable of supporting any one of the designated uses for their classification; or

(ii) have zero flow or surface expression for more than 270 days during most years.

(14) "Impaired water body" means a water body or stream segment for which sufficient credible data shows that the water body or stream segment is failing to achieve compliance with applicable water quality standards.

(15) "Industrial waste" means a waste substance from the process of business or industry or from the development of any natural resource, together with any sewage that may be present.

(16) "Interested person" means a person who has a real property interest, a water right, or an economic interest that is or may be directly and adversely

affected by the department's preliminary decision regarding degradation of state waters, pursuant to 75-5-303. The term includes a person who has requested authorization to degrade high-quality waters.

(17) "Load allocation" means the portion of a receiving water's loading capacity that is allocated to one of its existing or future nonpoint sources or to natural background sources.

(18) "Loading capacity" means the mass of a pollutant that a water body can assimilate without a violation of water quality standards. For pollutants that cannot be measured in terms of mass, it means the maximum change that can occur from the best practicable condition in a surface water without causing a violation of the surface water quality standards.

(19) "Local department of health" means the staff, including health officers, employed by a county, city, city-county, or district board of health.

(20) "Metal parameters" includes but is not limited to aluminum, antimony, arsenic, beryllium, barium, cadmium, chromium, copper, fluoride, iron, lead, manganese, mercury, nickel, selenium, silver, thallium, and zinc.

(21) "Mixing zone" means an area established in a permit or final decision on nondegradation issued by the department where water quality standards may be exceeded, subject to conditions that are imposed by the department and that are consistent with the rules adopted by the board.

(22) "Nutrient standards variance" means numeric water quality criteria for nutrients based on a determination that base numeric nutrient standards cannot be achieved because of economic impacts or because of the limits of technology. The term includes individual, general, and alternative nutrient standards variances in accordance with 75-5-313.

(23) "Nutrient work group" means an advisory work group, convened by the department, representing publicly owned and privately owned point sources of pollution, nonpoint sources of pollution, and other interested parties that will advise the department on the base numeric nutrient standards, the development of nutrient standards variances, and the implementation of those standards and variances together with associated economic impacts.

(24) "Other wastes" means garbage, municipal refuse, decayed wood, sawdust, shavings, bark, lime, sand, ashes, offal, night soil, oil, grease, tar, heat, chemicals, dead animals, sediment, wrecked or discarded equipment, radioactive materials, solid waste, and all other substances that may pollute state waters.

(25) "Outstanding resource waters" means:

(a) state surface waters located wholly within the boundaries of areas designated as national parks or national wilderness areas as of October 1, 1995; or

(b) other surface waters or ground waters classified by the board under the provisions of 75-5-316 and approved by the legislature.

(26) "Owner or operator" means a person who owns, leases, operates, controls, or supervises a point source.

(27) "Parameter" means a physical, biological, or chemical property of state water when a value of that property affects the quality of the state water.

(28) "Person" means the state, a political subdivision of the state, institution, firm, corporation, partnership, individual, or other entity and includes persons resident in Canada.

(29) "Point source" means a discernible, confined, and discrete conveyance, including but not limited to any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, or vessel or other floating craft, from which pollutants are or may be discharged.

(30) (a) "Pollution" means:

(i) contamination or other alteration of the physical, chemical, or biological properties of state waters that exceeds that permitted by Montana water quality standards, including but not limited to standards relating to change in temperature, taste, color, turbidity, or odor; or

(ii) the discharge, seepage, drainage, infiltration, or flow of liquid, gaseous, solid, radioactive, or other substance into state water that will or is likely to create a nuisance or render the waters harmful, detrimental, or injurious to public health, recreation, safety, or welfare, to livestock, or to wild animals, birds, fish, or other wildlife.

(b) The term does not include:

(i) a discharge, seepage, drainage, infiltration, or flow that is authorized under the pollution discharge permit rules adopted by the board under this chapter;

(ii) activities conducted under this chapter that comply with the conditions imposed by the department in short-term authorizations pursuant to 75-5-308;

(iii) contamination of ground water within the boundaries of a geologic storage reservoir, as defined in 82-11-101, by a carbon dioxide injection well in accordance with a permit issued pursuant to Title 82, chapter 11, part 1;

(iv) contamination of ground water within the boundaries of an underground mine using in situ coal gasification and operating in accordance with a permit issued under 82-4-221;

(c) Contamination referred to in subsections (30)(b)(iii) and (30)(b)(iv) does not require a mixing zone.

(31) "Sewage" means water-carried waste products from residences, public buildings, institutions, or other buildings, including discharge from human beings or animals, together with ground water infiltration and surface water present.

(32) "Sewage system" means a device for collecting or conducting sewage, industrial wastes, or other wastes to an ultimate disposal point.

(33) "Standard of performance" means a standard adopted by the board for the control of the discharge of pollutants that reflects the greatest degree of effluent reduction achievable through application of the best available demonstrated control technology, processes, operating methods, or other alternatives, including, when practicable, a standard permitting no discharge of pollutants.

(34) (a) "State waters" means a body of water, irrigation system, or drainage system, either surface or underground.

(b) The term does not apply to:

(i) ponds or lagoons used solely for treating, transporting, or impounding pollutants; or

(ii) irrigation waters or land application disposal waters when the waters are used up within the irrigation or land application disposal system and the waters are not returned to state waters.

(35) "Sufficient credible data" means chemical, physical, or biological monitoring data, alone or in combination with narrative information, that supports a finding as to whether a water body is achieving compliance with applicable water quality standards.

(36) "Threatened water body" means a water body or stream segment for which sufficient credible data and calculated increases in loads show that the water body or stream segment is fully supporting its designated uses but threatened for a particular designated use because of:

(a) proposed sources that are not subject to pollution prevention or control actions required by a discharge permit, the nondegradation provisions, or reasonable land, soil, and water conservation practices; or

(b) documented adverse pollution trends.

(37) "Total maximum daily load" or "TMDL" means the sum of the individual waste load allocations for point sources and load allocations for both nonpoint sources and natural background sources established at a level necessary to achieve compliance with applicable surface water quality standards.

(38) "Treatment works" means works, including sewage lagoons, installed for treating or holding sewage, industrial wastes, or other wastes.

(39) "Waste load allocation" means the portion of a receiving water's loading capacity that is allocated to one of its existing or future point sources.

(40) "Water quality protection practices" means those activities, prohibitions, maintenance procedures, or other management practices applied to point and nonpoint sources designed to protect, maintain, and improve the quality of state waters. Water quality protection practices include but are not limited to treatment requirements, standards of performance, effluent standards, and operating procedures and practices to control site runoff, spillage or leaks, sludge or water disposal, or drainage from material storage.

(41) "Water well" means an excavation that is drilled, cored, bored, washed, driven, dug, jetted, or otherwise constructed and intended for the location, diversion, artificial recharge, or acquisition of ground water.

(42) "Watershed advisory group" means a group of individuals who wish to participate in an advisory capacity in revising and reprioritizing the list of water bodies developed under 75-5-702 and in the development of TMDLs under 75-5-703, including those groups or individuals requested by the department to participate in an advisory capacity as provided in 75-5-704."

Section 62. Section 87-2-102, MCA, is amended to read:

"87-2-102. Resident defined. In determining whether a person is a resident for the purpose of issuing resident hunting, fishing, and trapping licenses, the following provisions apply:

(1) (a) A member of the regular armed forces of the United States, a member's spouse or dependent, as defined in ~~15-30-2115 subsection (1)(c)~~, who resides in the member's household, or a member of the armed forces of a foreign government attached to the regular armed forces of the United States is considered a resident for the purposes of this chapter if:

(i) the member was a resident of Montana under the provisions of subsection (4) and continues to meet the residency criteria of subsections (4)(b) through (4)(e); or

(ii) the member is currently stationed in and assigned to active duty in Montana, has resided in Montana for at least 30 days, and presents official assignment orders and proof of completion of a hunter safety course approved by the department, as provided in 87-2-105, or a certificate verifying the successful completion of a hunter safety course in any state or province. The 30-day residence requirement is waived in time of war. Reassignment to another state, United States territory, or country terminates Montana residency for purposes of this section, except that a reassigned member continues to qualify as a resident if the member's spouse and dependents continue to physically reside in Montana and the member continues to meet the residency criteria of subsections (4)(b) through (4)(e). The designation of Montana by a member of the regular armed forces as a "home of record" or "home of residence" in that member's armed forces records does not determine the member's residency for purposes of this section.

(b) A member of the regular armed forces of the United States who is otherwise considered a Montana resident pursuant to subsection (1)(a)(i) does not forfeit that status as a resident because the member, by virtue of that membership, also possesses, has applied for, or has received resident hunting, fishing, or trapping privileges in another state or country.

(c) *The term “dependent” means any of the following individuals over half of whose support was received from the member:*

- (i) *a son or daughter of the taxpayer or a descendant of either;*
- (ii) *a stepson or stepdaughter of the taxpayer;*
- (iii) *a brother, sister, stepbrother, or stepsister of the taxpayer;*
- (iv) *the father or mother of the taxpayer or an ancestor of either;*
- (v) *a stepfather or stepmother of the taxpayer;*
- (vi) *a son or daughter of a brother or sister of the taxpayer;*
- (vii) *a brother or sister of the father or mother of the taxpayer;*
- (viii) *a son-in-law, daughter-in-law, father-in-law, mother-in-law, brother-in-law, or sister-in-law of the taxpayer;*
- (ix) *an individual who, for the tax year of the taxpayer, has as the individual’s principal place of abode the home of the taxpayer and is a member of the taxpayer’s household; or*
- (x) *an individual who:*

(A) *is a descendant of a brother or sister of the father or mother of the taxpayer;*

(B) *for the tax year of the taxpayer, received institutional care required by reason of a physical or mental disability; and*

(C) *before receiving the institutional care, was a member of the same household as the taxpayer.*

(d) *For purposes of this section:*

(i) *the terms “brother” and “sister” include a brother or sister by the half blood; and*

(ii) *in determining whether any of the relationships specified in this section exist, a legally adopted child of an individual must be treated as a child of the individual by blood.*

(2) A person who has physically resided in Montana as the person’s principal or primary home or place of abode for 180 consecutive days and who meets the criteria of subsection (4) immediately before making application for any license is eligible to receive resident hunting, fishing, and trapping licenses. As used in this section, a vacant lot or a premises used solely for business purposes is not considered a principal or primary home or place of abode.

(3) A person who obtains residency under subsection (2) may continue to be a resident for purposes of this section by physically residing in Montana as the person’s principal or primary home or place of abode for not less than 120 days a year and by meeting the criteria of subsection (4) prior to making application for any resident hunting, fishing, or trapping license.

(4) In addition to the requirements of subsection (2) or (3), a person shall meet the following criteria to be considered a resident for purposes of this section:

(a) *the person’s principal or primary home or place of abode is in Montana;*

(b) *the person files Montana state income tax returns as a resident if required to file;*

(c) *the person licenses and titles in Montana as required by law any vehicles that the person owns and operates in Montana;*

(d) *except as provided in subsection (1)(b), the person does not possess or apply for any resident hunting, fishing, or trapping licenses from another*

state or country or exercise resident hunting, fishing, or trapping privileges in another state or country; and

(e) if the person registers to vote, the person registers only in Montana.

(5) A student who is enrolled full-time in a postsecondary educational institution out of state and who would qualify for Montana resident tuition or who otherwise meets the residence requirements of subsection (2) or (3) is considered a resident for purposes of this section.

(6) An enrollee of a job corps camp located within the state of Montana is, after a period of 30 days within Montana, considered a resident for the purpose of making application for a fishing license as long as the person remains an enrollee in a Montana camp.

(7) A person who does not reside in Montana but who meets all of the following requirements is a resident for purposes of obtaining hunting and fishing licenses:

(a) The person's principal employment is within this state and the income from this employment is the principal source of the applicant's family income.

(b) The person is required to pay and has paid Montana income tax in a timely manner and proper amount.

(c) The person has been employed within this state on a full-time basis for at least 12 consecutive months immediately preceding each application.

(d) The person's state of residency has laws substantially similar to this subsection (7).

(8) An unmarried minor is considered a resident for the purposes of this section if the minor's parents, legal guardian, or parent with joint custody, sole custody, or visitation rights is a resident for purposes of this section. The minor is considered a resident for purposes of this section regardless of whether the minor resides primarily in the state or otherwise qualifies as a resident. The resident parent or guardian of the minor may be required to show proof of the parental, guardianship, or custodial relationship to the minor.

(9) A person is not considered a resident for the purposes of this section if the person:

(a) claims residence in any other state or country for any purpose; or

(b) is an absentee property owner paying property tax on property in Montana.

(10) A license agent is not considered a representative of the state for the purpose of determining a license applicant's residence status."

Section 63. Section 87-2-105, MCA, is amended to read:

"87-2-105. Safety instruction required. (1) Except for a youth who qualifies for a license pursuant to 87-2-805(4) or a person who has been issued an apprentice hunting certificate pursuant to 87-2-810, a hunting license may not be issued to a person born after January 1, 1985, unless the person authorized to issue the license determines proof of completion of:

(a) a Montana hunter safety and education course established in subsection (4) or (6);

(b) a hunter safety course in any other state or province; or

(c) a Montana hunter safety and education course that qualifies the person for a provisional certificate as provided in 87-2-126.

(2) A hunting license may not be issued to a member of the regular armed forces of the United States or to a member of the armed forces of a foreign government attached to the armed forces of the United States who is assigned to active duty in Montana and who is otherwise considered a resident under 87-2-102(1) or to a member's spouse or dependent, as defined in ~~15-30-2115~~ 87-2-102, who resides in the member's household, unless the person authorized

to issue the license determines proof of completion of a hunter safety course approved by the department or a hunter safety course in any state or province.

(3) A bow and arrow license may not be issued to a resident or nonresident unless the person authorized to issue the license receives an archery license issued for a prior hunting season or determines proof of completion of a bowhunter education course from the national bowhunter education foundation or any other bowhunter education program approved by the department. Neither the department nor the license agent is required to provide records of past archery license purchases. As part of the department's bow and arrow licensing procedures, the department shall notify the public regarding bowhunter education requirements.

(4) The department shall provide for a hunter safety and education course that includes instruction in the safe handling of firearms and for that purpose may cooperate with any reputable organization having as one of its objectives the promotion of hunter safety and education. The department may designate as an instructor any person it finds to be competent to give instructions in hunter safety and education, including the handling of firearms. A person appointed shall give the course of instruction and shall issue a certificate of completion from Montana's hunter safety and education course to a person successfully completing the course.

(5) The department shall provide for a course of instruction from the national bowhunter education foundation or any other bowhunter education program approved by the department and for that purpose may cooperate with any reputable organization having as one of its objectives the promotion of safety in the handling of bow hunting tackle. The department may designate as an instructor any person it finds to be competent to give bowhunter education instruction. A person appointed shall give the course of instruction and shall issue a certificate of completion to a person successfully completing the course.

(6) The department may develop an adult hunter safety and education course.

(7) The department may adopt rules regarding how a person authorized to issue a license determines proof of completion of a required course."

Section 64. Repealer. The following sections of the Montana Code Annotated are repealed:

- 7-21-3701. Purpose of empowerment zone.
- 7-21-3702. Definitions.
- 7-21-3703. Empowerment zones -- creation.
- 7-21-3704. Criteria for empowerment zone.
- 7-21-3710. Tax credits for employers in empowerment zone.
- 7-21-3715. Rulemaking authority.
- 15-30-2319. Credit for energy-conserving investments.
- 15-30-2320. Credit for alternative fuel motor vehicle conversion.
- 15-30-2326. Credit for contributions to university or college foundations and endowment funds.
- 15-30-2367. Tax credit for providing disability insurance for employees.
- 15-30-2356. Empowerment zone new employees -- tax credit.
- 15-30-2364. Adoption tax credit -- limitations.
- 15-30-2366. Credit for expense of caring for certain elderly family members.
- 15-30-2373. Credit for dependent care assistance and referral services.
- 15-30-2381. Tax credit for providing emergency lodging.
- 15-31-131. Credit for dependent care assistance and referral services.
- 15-31-132. Tax credit for providing disability insurance for employees.
- 15-31-134. Empowerment zone new employees -- tax credit.
- 15-31-135. Contribution by small business corporation.

- 15-31-136. Contribution by partnership.
- 15-31-137. Small business corporation and partnership credit for alternative fuel conversion.
- 15-31-171. Tax credit for providing emergency lodging.
- 15-32-109. Credit for energy-conserving expenditures.
- 15-32-115. Credit for geothermal system -- to whom available -- eligible costs -- limitations.
- 15-32-201. Amount of credit -- to whom available.
- 15-32-202. Taxable years in which credit may be claimed -- carryover.
- 15-32-203. Department to make rules.
- 15-32-401. Purpose and statement of policy.
- 15-32-402. Commercial or net metering system investment credit -- alternative energy systems.
- 15-32-404. Carryover of credit.
- 15-32-405. Exclusion from other tax incentives.
- 15-32-406. Separation of credit portion.
- 15-32-407. Rules authorized.
- 15-32-501. Purpose and statement of policy.
- 15-32-502. Definitions.
- 15-32-503. Exploration incentive credit.
- 15-32-504. Procedure for requesting and certifying credit.
- 15-32-505. Application of credit.
- 15-32-506. Credit carryover.
- 15-32-507. Credit limitation.
- 15-32-508. Credit assignment.
- 15-32-509. Record of credit use.
- 15-32-510. Deduction for donation of exploration information.
- 15-32-701. Oilseed crush facility -- tax credit.
- 15-32-702. Biodiesel or biolubricant production facility tax credit.
- 15-32-703. Biodiesel blending and storage tax credit -- recapture -- report to interim committee.
- 33-2-724. Empowerment zone new employees -- tax credit.

Section 65. Repealer. The following sections of the Montana Code Annotated are repealed:

- 15-30-2110. Adjusted gross income.
- 15-30-2111. Nonresident and temporary resident taxpayers -- adjusted gross income.
- 15-30-2114. Exemptions -- inflation adjustment.
- 15-30-2115. General definition of dependent.
- 15-30-2116. Additional exemption for dependent child with disability -- physician's verification.
- 15-30-2117. Military salary, veterans' bonus, or death benefit -- exemptions.
- 15-30-2119. Net operating loss -- computation.
- 15-30-2131. Deductions allowed in computing net income.
- 15-30-2132. Standard deduction.
- 15-30-2133. Nondeductible items in computing net income.
- 15-30-2141. Independent liability fund -- deductibility.
- 15-30-2142. Income tax deduction for contribution to veterans' programs.
- 15-30-2143. Deduction for contributions to child abuse and neglect prevention program.
- 15-30-2144. Deposit of child abuse and neglect prevention program deductible contributions.
- 15-30-2152. Computation of income of estates or trusts -- exemption.
- 15-30-2301. Capital gains credit.

Section 66. Transition -- carryover of credits. A credit allowed a taxpayer prior to January 1, 2022, under the provisions of law in effect prior to January 1, 2022, that may be carried forward for a specified number of years is not impaired by [this act], and a taxpayer may claim the credit for the taxes specified for the period established in the section at the time the credit was first allowed. This section applies to all tax credits that are removed or repealed by [this act].

Section 67. Transition. (1) As used in this section, the following definitions apply:

(a) "Transition adjustment" means the net sum of all positive and negative adjustments to a taxpayer's Montana taxable income related to transition items provided in subsection (3).

(b) "Transition item" means any difference arising prior to January 1, 2024, from a difference in federal and Montana income tax laws in:

(i) the amount, character, realization, or recognition of income or an item of income, gain, or credit;

(ii) the amount, character, allowance, or disallowance of loss or an item of loss, deduction, or expense; or

(iii) the basis of an asset or liability that will not, after December 31, 2023, increase or decrease a taxpayer's federal taxable income.

(2) An adjustment to Montana taxable income may not be made to take transition items into account except as provided in subsection (3).

(3) On or before the due date, including extensions, of a return for the tax year ending after December 31, 2023, and before January 1, 2025, a taxpayer may, on forms prescribed by the department, file an election to make a transition adjustment to Montana taxable income. The election must specify and account for all transition items, including but not limited to the following:

(a) If a taxpayer has a disallowed passive activity loss within the meaning of section 469 of the Internal Revenue Code that is carried over to a tax year ending after December 31, 2023, and before January 1, 2025, and if the amount of the federal carryover is not the same amount as the Montana carryover:

(i) the difference is a positive adjustment to the taxpayer's Montana taxable income if the Montana carryover is smaller than the federal carryover; and

(ii) the difference is a negative adjustment to the taxpayer's Montana taxable income if the Montana carryover is larger than the federal carryover.

(b) If a taxpayer has excess long-term or short-term net capital loss described in section 1212(b)(1) of the Internal Revenue Code that is carried over to a tax year ending after December 31, 2023, and before January 1, 2025, and if the amount of the federal carryover is not the same amount as the Montana carryover:

(i) the difference is a positive adjustment to the taxpayer's Montana taxable income if the Montana carryover is smaller than the federal carryover; and

(ii) the difference is a negative adjustment to the taxpayer's Montana taxable income if the Montana carryover is larger than the federal carryover.

(c) If a taxpayer or a taxpayer and the taxpayer's spouse made an election on the taxpayer's federal return to defer income ratably because of a conversion from an IRA, other than a Roth IRA, to a Roth IRA pursuant to section 408A(d)(3) of the Internal Revenue Code but included all the income in the taxpayer's Montana income tax return, the sum of the balance of the federal deferred amount as of January 1, 2024, is a negative adjustment to the taxpayer's Montana taxable income.

(d) Notwithstanding the deduction that a taxpayer would be allowed for net operating loss carryovers and net operating loss carrybacks under section 172(a) of the Internal Revenue Code in a tax year ending after December 31, 2023, and before January 1, 2025, if the taxpayer's federal net operating loss is different from the taxpayer's Montana net operating loss as of December 31, 2023, no adjustment to the taxpayer's Montana taxable income may be made.

(e) If a taxpayer has an asset with a different adjusted basis for federal and Montana income tax purposes after taking into account the effect of the adjustments provided in subsections (3)(a), (3)(b), and (3)(c):

(i) the difference is a positive adjustment to the taxpayer's Montana taxable income if the Montana adjusted basis is higher than the federal adjusted basis; and

(ii) the difference is a negative adjustment to the taxpayer's Montana taxable income if the Montana adjusted basis is lower than the federal adjusted basis.

(f) If a taxpayer has a liability with a different adjusted basis for federal and Montana income tax purposes after taking into account the effect of the adjustments provided in subsections (3)(a), (3)(b), and (3)(c):

(i) the difference is a negative adjustment to the taxpayer's Montana taxable income if the Montana adjusted basis is higher than the federal adjusted basis; and

(ii) the difference is a positive adjustment to the taxpayer's Montana taxable income if the Montana adjusted basis is lower than the federal adjusted basis.

(g) If a taxpayer received a refund of federal income tax the deduction of which in a tax year beginning after December 31, 2022, resulted in a reduction of Montana income tax liability, the refund is, to the extent the deduction resulted in a reduction of Montana income tax liability, a positive adjustment to the taxpayer's Montana taxable income.

(4) The department of revenue is authorized to adopt rules and require facts and information to be reported that it considers necessary to administer the transition adjustment provided in this section.

Section 68. Codification instruction. [Section 1] is intended to be codified as an integral part of Title 15, chapter 30, part 21, and the provisions of Title 15, chapter 30, part 21, apply to [section 1].

Section 69. Severability. If a part of [this act] is invalid, all valid parts that are severable from the invalid part remain in effect. If a part of [this act] is invalid in one or more of its applications, the part remains in effect in all valid applications that are severable from the invalid applications.

Section 70. Effective dates – applicability. (1) Except as provided in subsection (2), [this act] is effective January 1, 2024, and applies to income tax years beginning after December 31, 2023.

(2) [Sections 14, 31, 32, 54, 59 through 64, 66, 68, and 69] and this section are effective January 1, 2022, and apply to income tax years beginning after December 31, 2021.

Approved May 6, 2021

CHAPTER NO. 504

[HB 230]

AN ACT GENERALLY REVISING EMERGENCY AND DISASTER LAWS; LIMITING THE LENGTH OF TIME FOR MARTIAL RULE WITHOUT LEGISLATIVE APPROVAL; PROVIDING FOR AN EXPEDITED

LEGISLATIVE POLL BY THE SECRETARY OF STATE TO EXTEND A GOVERNOR'S DECLARATION OF EMERGENCY OR DISASTER; EXPEDITING THE SPECIAL SESSION POLLING PROCESS DURING A DISASTER OR EMERGENCY DECLARATION; PROVIDING FOR A CONTINUED STATE OF EMERGENCY OR DISASTER FOR A DROUGHT, EARTHQUAKE, FLOOD, OR WILDFIRE; PROHIBITING DISCRIMINATORY ACTION BY THE GOVERNMENT; PROVIDING FOR CIVIL RELIEF; PROHIBITING A GOVERNOR FROM SUSPENDING A STATUTE THAT AFFECTS THE EXERCISE OF AN INDIVIDUAL'S CONSTITUTIONAL RIGHTS; LIMITING THE ABILITY TO INTERFERE WITH THE COLLECTION OF RENT OR WITH ACTIONS FOR TERMINATION AND POSSESSION; PROVIDING FOR RELIGIOUS FREEDOM DURING AN EMERGENCY OR DISASTER; PROVIDING DEFINITIONS; AMENDING SECTIONS 5-3-106, 5-3-108, 10-1-106, 10-3-101, 10-3-102, 10-3-103, 10-3-104, 10-3-303, AND 10-3-1210, MCA; REPEALING SECTION 10-3-302, MCA; AND PROVIDING AN EFFECTIVE DATE.

Be it enacted by the Legislature of the State of Montana:

Section 1. Legislative poll – continuation of state of emergency or disaster. (1) (a) When the legislature is not in session, the governor may, in writing, request the secretary of state to poll the members of the legislature to determine if a majority of the members of the house of representatives and a majority of the members of the senate are in favor of a legislative declaration affirming to extend a state of emergency or disaster under 10-3-303 or approving a proclamation of martial rule under 10-1-106.

(b) The legislature may extend a state of emergency or disaster for up to an additional 45 days by using the polling provisions of this section. The governor may make additional requests to extend a state of emergency or disaster, and the legislature may extend a state of emergency or disaster for up to an additional 45 days per request.

(2) The request must:

(a) state the conditions warranting the poll; and

(b) contain a legislative declaration to extend the governor's power.

(3) Within 3 calendar days after receiving a request, the secretary of state shall send a ballot to all legislators by using any reasonable and reliable means, including electronic delivery, that contains:

(a) the legislative declaration subject to the vote; and

(b) the date by which legislators shall return the ballot, which may not be more than 7 calendar days after the date the ballots were sent.

(4) A legislator may cast and return a vote by delivering the ballot in person, by mailing, or by sending the ballot by facsimile transmission or electronic mail to the office of the secretary of state. A legislator may not change the legislator's vote after the ballot is received by the secretary of state. The secretary of state shall tally the votes within 1 working day after the date for return of the votes. If a majority of the members in each house vote to approve an extension of a state of emergency or disaster, the state of emergency or disaster continues based on the declaration that was sent with the ballot.

(5) A ballot that is not returned by the deadline established by the secretary of state is considered a vote against the declaration.

Section 2. Claim or defense against state action – remedies – limitations. (1) A religious organization may assert a violation of 10-3-102 or [section 3] as a claim against a state, local, or interjurisdictional agency or

public official in any judicial or administrative proceeding or as a defense in any judicial proceeding.

- (2) In any civil action based on this section, the court may grant:
 - (a) declaratory relief;
 - (b) injunctive relief;
 - (c) compensatory damages for pecuniary and nonpecuniary losses;
 - (d) reasonable attorney fees and costs; and
 - (e) any other appropriate relief.

(3) A religious organization may not bring an action to assert a claim under this section later than 2 years after the date that it knew or could have known that a discriminatory action or other violation occurred.

Section 3. Protections against government discrimination. An agency or a political subdivision of the state may not take discriminatory action against a religious organization wholly or partially on the basis that the organization is religious, operates or seeks to operate during an emergency or disaster, or engages in the exercise of religion as protected under the first amendment to the United States constitution. Discriminatory action means to:

(1) alter in any way the tax treatment of a religious organization, or cause any tax, fine, civil or criminal penalty, payment, damages award, or injunction to be assessed against a religious organization;

(2) deny, delay, revoke, or otherwise make unavailable an exemption from taxation for a religious organization; or

(3) withhold, reduce, exclude, terminate, materially alter the terms or conditions of, or otherwise make unavailable or deny any grant, contract, scholarship, license, accreditation, certification, entitlement, or other benefit under any government program.

Section 4. Section 5-3-106, MCA, is amended to read:

“5-3-106. Procedure for polling legislators. (1) Within 5 days after receiving a request, the secretary of state shall send to all legislators by certified mail a ballot that contains:

(1)(a) the names of the legislators making the request;

(2)(b) the reasons for calling the special session;

(3)(c) the purposes of the special session;

(4)(d) the requested convening date and time of the special session;

(5)(e) *subject to subsection (2)*, the date by which legislators shall return the ballot, which may not be more than 30 days after the date of the mailing of the ballots; and

(6)(f) a stamped return envelope.

(2) *Within 2 calendar days after receiving a request to consider an existing state of emergency or disaster declared under the authority of 10-3-303, the secretary of state shall send a ballot that complies with subsection (1) using any reasonable and reliable means, including electronic delivery, and is not required to use certified mail. The date by which legislators shall return the ballot specified in this subsection (2) may not be more than 7 calendar days after the date the ballots were sent.”*

Section 5. Section 5-3-108, MCA, is amended to read:

“5-3-108. Failure to approve special session – ballots void. (1) *If Subject to subsection (2), if a majority of the legislators fail to approve the call for a special session within 30 days after the secretary of state mails the ballots or notifies each legislator, all ballots are void and may not be used again.*

(2) *When the purpose of the special session is to consider an existing state of emergency or disaster declared under the authority of 10-3-303, if a majority of the legislators fail to approve the call for a special session within 7 calendar*

days after the secretary of state sends the ballots or notifies each legislator pursuant to 5-3-106(2), all ballots are void and may not be used again.

(3) ~~The~~ If a poll is not approved under subsection (1) or (2), the entire process must be repeated to call the legislature into special session."

Section 6. Section 10-1-106, MCA, is amended to read:

"10-1-106. Proclamation of martial rule. *(1) ~~When~~ Subject to subsections (2) and (3), when the militia is employed in aid of civil authority, the governor may by proclamation declare any part of a county or municipality in which troops are serving to be subject to martial rule.*

(2) The governor shall confer with the president of the senate and the speaker of the house on a continual basis throughout the duration of a proclamation.

(3) A proclamation of martial rule is void after 21 days unless a majority of the members in each house vote to approve the proclamation through a poll of the legislature as provided in [section 1] or through joint resolution in a regular or special session. A ballot that is not returned by the deadline established by the secretary of state is considered a vote to discontinue martial rule."

Section 7. Section 10-3-101, MCA, is amended to read:

"10-3-101. Declaration of policy. Because of the existing and increasing possibility of the occurrence of disasters or emergencies of unprecedented size and destructiveness resulting from enemy attack, sabotage, or other hostile action and natural disasters and in order to provide for prompt and timely reaction to an emergency or disaster, to ensure that preparation of this state will be adequate to deal with disasters or emergencies, and generally to provide for the common defense and to protect the public peace, health, and safety and to preserve the lives and property of the people of this state to the fullest extent practicable, it is declared to be necessary to:

(1) authorize the creation of local or interjurisdictional organizations for disaster and emergency services in the political subdivisions of this state;

(2) reduce vulnerability of people and communities of this state to damage, injury, and loss of life and property resulting from natural or human-caused disasters;

(3) provide a setting conducive to the rapid and orderly start of restoration and rehabilitation of persons and property affected by disasters;

(4) clarify and strengthen the roles of the governor, *the legislature*, state agencies, local governments, and tribal governments in prevention of, preparation for, response to, and recovery from emergencies and disasters;

(5) authorize and provide for cooperation in disaster prevention, preparedness, response, and recovery;

(6) authorize and provide for coordination of activities relating to disaster prevention, preparedness, mitigation, response, and recovery by agencies and officers of this state and similar state-local, interstate, federal-state, and foreign activities in which the state, its political subdivisions, and tribal governments may participate;

(7) provide an emergency and disaster management system embodying all aspects of emergency or disaster prevention, preparedness, response, and recovery;

(8) assist in prevention of disasters caused or aggravated by inadequate planning for public and private facilities and land use;

(9) supplement, without in any way limiting, authority conferred by previous statutes of this state and increase the capability of the state, local, and interjurisdictional disaster and emergency services agencies to perform disaster and emergency services; ~~and~~

(10) authorize the payment of extraordinary costs and the temporary hiring, with statutorily appropriated funds under 10-3-312, of professional and

technical personnel to meet the state's responsibilities in providing assistance in the response to, recovery from, and mitigation of disasters in state, tribal government, or federal emergency or disaster declarations; *and*

(11) ensure the continuity of religious services as essential services to the welfare of the people of the state."

Section 8. Section 10-3-102, MCA, is amended to read:

"10-3-102. Limitations. Parts 1 through 4 of this chapter may not be construed to give any state, local, or interjurisdictional agency or public official authority to:

~~(1) interfere with the course or conduct of a labor dispute, except that actions otherwise authorized by parts 1 through 4 of this chapter or other laws may be taken when necessary to forestall or mitigate imminent or existing danger to public health or safety;~~

~~(2)(1) interfere with dissemination of news or comment on public affairs. However, any communications facility or organization, including but not limited to radio and television stations, wire services, and newspapers, may be required to transmit or print public service messages furnishing information or instructions in connection with an emergency or disaster.~~

~~(2) interfere with or otherwise limit, modify, or abridge a person's physical attendance at a religious service or operation of a religious organization;~~

~~(3)(3) affect the jurisdiction or responsibilities of police forces, firefighting forces, units of the armed forces of the United States, or any personnel of those entities when on active duty, but state, local, and interjurisdictional disaster and emergency plans must place reliance upon the forces available for performance of functions related to emergencies and disasters; or~~

~~(4)(4) limit, modify, or abridge the authority of the governor to proclaim martial law or exercise any other powers vested in the governor under the constitution, statutes, or common law of this state independent of or in conjunction with any provisions of parts 1 through 4 of this chapter;~~

~~(5) limit, modify, or abridge the authority of the judicial branch or the legislature to exercise any powers vested in the judicial branch or the legislature under the constitution, statutes, or common law of this state independent of or in conjunction with any provisions of parts 1 through 4 of this chapter; or~~

~~(6) except in areas evacuated or subject to control of ingress pursuant to 10-3-104, and for no more than 60 days without legislative approval, interfere with the collection of rent or with actions for termination and possession pursuant to Title 70, chapter 24, part 4, chapter 27, or chapter 33."~~

Section 9. Section 10-3-103, MCA, is amended to read:

"10-3-103. Definitions. As used in parts 1 through 4 of this chapter, the following definitions apply:

(1) "All-hazard incident management assistance team" means a team that includes any combination of personnel representing local, state, or tribal entities that has been established by the state emergency response commission provided for in 10-3-1204 for the purpose of local incident management intended to mitigate the impacts of an incident prior to a disaster or emergency declaration.

(2) "Civil defense" means the nuclear preparedness functions and responsibilities of disaster and emergency services.

(3) "Department" means the department of military affairs.

(4) "Disaster" means the occurrence or imminent threat of widespread or severe damage, injury, or loss of life or property resulting from any natural or artificial cause, including tornadoes, windstorms, snowstorms, wind-driven water, high water, floods, wave action, earthquakes, landslides, mudslides, volcanic action, fires, explosions, air or water contamination

requiring emergency action to avert danger or damage, blight, droughts, infestations, riots, sabotage, hostile military or paramilitary action, disruption of state services, accidents involving radiation byproducts or other hazardous materials, outbreak of disease, bioterrorism, or incidents involving weapons of mass destruction.

(5) "Disaster and emergency services" means the preparation for and the carrying out of disaster and emergency functions and responsibilities, other than those for which military forces or other state or federal agencies are primarily responsible, to mitigate, prepare for, respond to, and recover from injury and damage resulting from emergencies or disasters.

(6) "Disaster medicine" means the provision of patient care by a health care provider during a disaster or emergency when the number of patients exceeds the capacity of normal medical resources, facilities, and personnel. Disaster medicine may include implementing patient care guidelines that depart from recognized nondisaster triage and standard treatment patient care guidelines determining the order of evacuation and treatment of persons needing care.

(7) "Division" means the division of disaster and emergency services of the department.

(8) "Emergency" means the imminent threat of a disaster causing immediate peril to life or property that timely action can avert or minimize.

(9) (a) "Incident" means an event or occurrence, caused by either an individual or by natural phenomena, requiring action by disaster and emergency services personnel to prevent or minimize loss of life or damage to property or natural resources. The term includes the imminent threat of an emergency.

(b) The term does not include a state of emergency or disaster declared by the governor pursuant to ~~10-3-302~~ or 10-3-303.

(10) "Political subdivision" means any county, city, town, or other legally constituted unit of local government in this state.

(11) "Principal executive officer" means the mayor, presiding officer of the county commissioners, or other chief executive officer of a political subdivision.

(12) "Religious organization" means:

(a) *a house of worship, including but not limited to churches, mosques, shrines, synagogues, and temples; or*

(b) *a religious group, association, educational institution, ministry, order, society, or similar entity, regardless of whether it is integrated or affiliated with a house of worship.*

(13) "Religious services" means *a meeting, gathering, or assembly of multiple persons organized by a religious organization for the purpose of worship, teaching, training, providing educational services, conducting religious rituals, or other activities that involve the exercise of religion.*

~~(12)~~(14) "Temporary housing" means unoccupied habitable dwellings, suitable rental housing, mobile homes, or other readily fabricated dwellings.

~~(13)~~(15) "Tribal government" means the government of a federally recognized Indian tribe within the state of Montana.

~~(14)~~(16) "Volunteer professional" means an individual with an active, unrestricted license to practice a profession under the provisions of Title 37, Title 50, or the laws of another state."

Section 10. Section 10-3-104, MCA, is amended to read:

"10-3-104. General authority of governor. (1) *The The legislature finds that the governor has broad authority to proclaim a state of emergency or disaster in the state and to exercise emergency powers during the emergency. The legislature intends to allow the governor to immediately respond during a*

proclaimed state of emergency or disaster, including through the issuance of executive orders, proclamations, and orders necessary to carry out the purpose of this chapter, and the ability to amend or rescind them. These executive orders, proclamations, and regulations have the force of law. Subject to legislative oversight, the governor is responsible for carrying out parts 1 through 4 of this chapter.

(2) In addition to any other powers conferred upon the governor by law, the governor may:

(a) *except as provided in subsection (4), suspend the provisions of any a regulatory statute prescribing the procedures for conduct of state business or orders or rules of any state agency if the strict compliance with the provisions of any statute, order, or rule would in any way prevent, hinder, or delay necessary action in coping with the emergency or disaster;*

(b) *direct and compel the evacuation of all or part of the population from an emergency or disaster area within the state if the governor considers this action necessary for the preservation of life or other disaster mitigation, response, or recovery;*

(c) *control ingress and egress to and from an incident or emergency or disaster area, the movement of persons within the area, and the occupancy of premises within the area.*

(3) Under this section, the governor may issue executive orders, proclamations, and regulations and amend and rescind them. All executive orders or proclamations declaring or terminating a state of emergency or disaster must indicate the nature of the emergency or disaster, the area threatened, and the conditions that have brought about the declaration or that make possible termination of the state of emergency or disaster.

(4) *The governor may not suspend a statute that affects the exercise of an individual's constitutional rights under the United States constitution or the Montana constitution, including 13-19-104(3), even if the statute is otherwise considered a regulatory statute prescribing the procedures for conduct of state business."*

Section 11. Section 10-3-303, MCA, is amended to read:

"10-3-303. Declaration of emergency or disaster -- effect and termination. (1) *A state of emergency may be declared by the governor when the governor determines that an emergency as defined in 10-3-103 exists. A state of disaster may be declared by the governor when the governor determines that a disaster, as defined in 10-3-103, has occurred. The governor may not declare another state of emergency or disaster based on the same or substantially similar facts and circumstances without legislative approval.*

(2) (a) *An executive order or proclamation of a state of emergency activates the emergency response and disaster preparation aspects of the state disaster and emergency plan.*

(b) *An executive order or proclamation of a state of disaster activates the disaster response and recovery aspects of the state disaster and emergency plan.*

(c) *Both the disaster preparation aspects and disaster response and recovery aspects of the plans in subsections (2)(a) and (2)(b) are the and program programs applicable to the political subdivision or area and is are authority for the deployment and use of any forces to which the plans apply and for the distribution and use of any supplies, equipment, and materials and facilities assembled, stockpiled, or arranged to be made available pursuant to parts 1 through 4 of this chapter or any other provision of law pertaining to disaster and disaster-related emergencies. The An executive order or proclamation may authorize the practice of disaster medicine. The provisions of 10-3-110 do not*

apply to the state of *emergency* or disaster unless the order or proclamation includes a provision authorizing the practice of disaster medicine.

(3) (a) *Except as provided in subsection (3)(b), a state of emergency or disaster may not continue for longer than 45 45 days unless continuing conditions of the state of emergency or disaster exist, which must be determined by a declaration of a major disaster by the president of the United States through a poll of the legislature as provided in [section 1] or by the declaration of the legislature by joint resolution of continuing conditions of the state of emergency or disaster.*

(b) *A state of emergency or disaster may continue for a drought, an earthquake, flooding, or a wildfire as long as continuing conditions of the state of emergency or disaster exist unless terminated by the declaration of the legislature by joint resolution of termination of the state of emergency or disaster.*

(4) The governor shall terminate a state of emergency or disaster when:

(a) the emergency or disaster has passed;

(b) the emergency or disaster has been dealt with to the extent that emergency or disaster conditions no longer exist; or

(c) at any time the legislature terminates the state of emergency or disaster by joint resolution. However, after termination of the state of emergency or disaster, disaster and emergency services required as a result of the emergency or disaster may continue.

(5) *The legislature may, by joint resolution in a regular or special session:*

(a) *terminate a state of emergency or disaster as provided in subsection (4)(c);*

(b) *extend a state of disaster;*

(c) *provide conditions or limits on the governor's actions taken pursuant to 10-3-104; and*

(d) *approve or disapprove the continuation of any executive order, proclamation, or regulation that was enacted based on a state of emergency or disaster."*

Section 12. Section 10-3-1210, MCA, is amended to read:

"10-3-1210. Controlling provisions for state of emergency – liability of responsible persons. In the event that a state of emergency is declared by proper authority pursuant to ~~10-3-302~~ 10-3-303, as the result of an incident, the provisions of 10-3-303 govern."

Section 13. Repealer. The following sections of the Montana Code Annotated are repealed:

10-3-302. Declaration of emergency -- effect and termination.

Section 14. Severability. If a part of [this act] is invalid, all valid parts that are severable from the invalid part remain in effect. If a part of [this act] is invalid in one or more of its applications, the part remains in effect in all valid applications that are severable from the invalid applications.

Section 15. Codification instruction. [Sections 1 through 3] are intended to be codified as an integral part of Title 10, chapter 3, part 1, and the provisions of Title 10, chapter 3, part 1, apply to [sections 1 through 3].

Section 16. Coordination instruction. (1) If both Senate Bill No. 172 and [this act] are passed and approved, then Senate Bill No. 172 is void.

(2) If both Senate Bill No. 173 and [this act] are passed and approved, then Senate Bill No. 173 is void.

(3) If both Senate Bill No. 185 and [this act] are passed and approved, then Senate Bill No. 185 is void.

Section 17. Effective date. [This act] is effective July 1, 2021.

Approved May 14, 2021

CHAPTER NO. 505

[HB 249]

AN ACT ALLOWING FOR LIMITED ELECTRONIC ADVERTISING OF MARIJUANA AND MEDICAL MARIJUANA; PROVIDING RESTRICTIONS ON THE CONTENT OF ADVERTISING; PROVIDING RULEMAKING AUTHORITY; AND AMENDING SECTIONS 16-12-112, 16-12-211, 50-46-341, AND 50-46-344, MCA.

Be it enacted by the Legislature of the State of Montana:

Section 1. Section 16-12-112, MCA, is amended to read:

“16-12-112. (Effective October 1, 2021) Rulemaking authority – fees. (1) The department may adopt rules to implement and administer this chapter, including:

- (a) the manner in which the department will consider applications for licenses and endorsements and renewal of licenses and endorsements;
- (b) the acceptable forms of proof of Montana residency;
- (c) the procedures for obtaining fingerprints for the fingerprint-based and name-based background checks required under 16-12-203;
- (d) the security and operating requirements for adult-use dispensaries;
- (e) the security and operating requirements for manufacturing, including but not limited to requirements for:
 - (i) safety equipment;
 - (ii) extraction methods, including solvent-based and solvent-free extraction; and
 - (iii) post-processing procedures;
- (f) notice and contested case hearing procedures for fines or license and endorsement revocations, suspensions, or modifications;
- (g) implementation of a system to allow the tracking of marijuana and marijuana-infused products as required by 16-12-105;
- (h) labeling standards that protect public health by requiring the listing of pharmacologically active ingredients, including; but not limited to; tetrahydrocannabinol (THC), cannabidiol (CBD) and other cannabinoid content, the THC and other cannabinoid amount in milligrams per serving, the number of servings per package, and quantity limits per sale to comply with the allowable possession amount;
- (i) requirements that packaging and labels may not be made to be attractive to children, *that they have* required warning labels, and that marijuana and marijuana-infused products be sold in resealable, child-resistant packaging to protect public health as provided in 16-12-208;
- (j) requirements and standards for the testing and retesting of marijuana and marijuana-infused products, including testing of samples collected during the department’s inspections of registered premises;
- (k) the amount of variance allowable in the results of raw testing data that would warrant a departmental investigation of inconsistent results as provided in 16-12-202;
- (l) requirements and standards to prohibit or limit marijuana, marijuana-infused products, and marijuana accessories that are unsafe or contaminated;
- (m) the activities that constitute advertising in violation of 16-12-211 *and requirements and standards for electronic advertising as permitted under 16-12-211;*

(n) requirements and incentives to promote renewable energy, reduce water usage, and reduce packaging waste to maintain a clean and healthy environment in Montana; and

(o) the fees for endorsements for manufacturing, testing laboratories, additional canopy licensure tiers created in accordance with 16-12-105, and the fingerprint-based and name-based background checks required under 16-12-203. The fees and other revenue collected through the taxes paid under 16-12-401, civil penalties imposed pursuant to this chapter, and the licensing fees established by rule and in 16-12-201 must be sufficient to offset the expenses of administering this chapter but may not exceed the amount necessary to cover the costs to the department of implementing and enforcing this chapter.

(2) The department may not adopt any rule or regulation that is unduly burdensome or undermines the purposes of this chapter.

(3) The department may consult or contract with other public agencies in carrying out its duties under this chapter.”

Section 2. Section 16-12-211, MCA, is amended to read:

“16-12-211. (Effective October 1, 2021) Advertising – prohibited Limitations on advertising – rulemaking. (1) ~~Persons~~ *Except as provided in subsection (3), persons* with licenses may not advertise marijuana or marijuana-related products ~~in any medium, including electronic media.~~

(2) A listing in a directory of businesses authorized under this chapter is not advertising for the purposes of this section.

~~(3) A licensee may have a website but may not:~~

~~(a) include prices on the website; or~~

~~(b) actively solicit consumers or out-of-state consumers through the website~~

(3) (a) *A licensee may engage in electronic advertising such as maintaining a website and advertising on web applications, provided that no electronic advertisement produced by the licensee contains a statement or illustration that:*

(i) is false or misleading;

(ii) promotes overconsumption of marijuana or marijuana-related products;

(iii) depicts the actual consumption of marijuana or marijuana-related products;

(iv) depicts a person under 21 years of age consuming marijuana;

(v) makes any health, therapeutic, or medicinal claims about marijuana or marijuana-related products; or

(vi) is designed in a way that is likely to appeal to minors and includes cartoons, animals, children, or any other likeness to images, characters, or phrases that are designed in any manner to be appealing or to encourage consumption of marijuana by persons under 21 years of age.

(b) *A licensee may not advertise marijuana or marijuana-related products using pop-up advertisements that display in a new internet browser window.*

(c) *A licensee may not direct advertising of marijuana or marijuana-related products toward mobile devices in the form of push notifications unless users affirmatively opt in to receiving push notifications related to marijuana or marijuana-related products.*

(4) The department shall adopt rules to clearly identify the activities that constitute advertising that are prohibited under this section.”

Section 3. Section 50-46-341, MCA, is amended to read:

“50-46-341. Advertising – prohibited Limitations on advertising – rulemaking. (1) ~~Persons~~ *Except as provided in subsection (3), persons* with licenses and individuals with valid registry identification cards may not

advertise marijuana or marijuana-related products in any medium, including electronic media.

(2) A listing in a directory of businesses authorized under this part is not advertising for the purposes of this section.

~~(3) A licensee may have a website but may not:~~

~~(a) include prices on the website; or~~

~~(b) actively solicit customers or out-of-state consumers through the website~~

(3) (a) A licensee may engage in electronic advertising such as maintaining a website and advertising on web applications, provided that no electronic advertisement produced by the licensee contains a statement or illustration that:

(i) is false or misleading;

(ii) promotes overconsumption of marijuana or marijuana-related products;

(iii) depicts the actual consumption of marijuana or marijuana-related products;

(iv) depicts a person under 21 years of age consuming marijuana;

(v) makes any health, therapeutic, or medicinal claims about marijuana or marijuana-related products; or

(vi) is designed in a way that is likely to appeal to minors and includes cartoons, animals, children, or any other likeness to images, characters, or phrases that are designed in any manner to be appealing or to encourage consumption of marijuana by persons under 21 years of age.

(b) A licensee may not advertise marijuana or marijuana-related products using pop-up advertisements that display in a new internet browser window.

(c) A licensee may not direct advertising of marijuana or marijuana-related products toward mobile devices in the form of push notifications unless users affirmatively opt in to receiving push notifications related to marijuana or marijuana-related products.

(4) The department shall adopt rules to clearly identify the activities that constitute advertising and are prohibited under this section."

Section 4. Section 50-46-344, MCA, is amended to read:

"50-46-344. Rulemaking authority – fees. (1) The department may adopt rules only as authorized in this section to specify:

(a) the manner in which the department will consider applications for licenses and endorsements and applications for registry identification cards for individuals with debilitating medical conditions and renewal of licenses, endorsements, and registry identification cards;

(b) the acceptable forms of proof of Montana residency;

(c) the procedures for obtaining fingerprints for the fingerprint and background check required under 50-46-307 and 50-46-308;

(d) the security and operating requirements for dispensaries;

(e) the security and operating requirements for chemical manufacturing, including but not limited to requirements for:

(i) safety equipment;

(ii) extraction methods, including solvent-based and solvent-free extraction; and

(iii) postprocessing procedures;

(f) notice and contested case hearing procedures for fines or license and endorsement revocations, suspensions, or modifications;

(g) the amount of usable marijuana that a registered cardholder who has elected not to use the system of licensed providers and marijuana-infused products providers may possess;

(h) implementation of a system to allow the tracking of marijuana and marijuana-infused products as required by 50-46-304;

(i) requirements and standards for the testing and retesting of marijuana and marijuana-infused products, including testing of samples collected during the department's inspections of registered premises;

(j) the amount of variance allowable in the results of raw testing data that would warrant a departmental investigation of inconsistent results as provided in 50-46-304(7);

(k) the activities that constitute advertising in violation of 50-46-341 and requirements and standards for electronic advertising as permitted under 50-46-341; and

(l) the fees for cardholders, endorsements for chemical manufacturing, testing laboratories, additional canopy licensure tiers created in accordance with 50-46-305, and the fingerprint and background checks required under 50-46-308 and 50-46-311. The fees and other revenues collected through the taxes paid under 15-64-102, civil penalties imposed pursuant to this part, and the licensing fees established by rule and in 50-46-347 must be sufficient to offset the expenses of administering this part. The annual cardholder license fee may not be less than \$20.

(2) In establishing the canopy for a provider or marijuana-infused products provider, the department shall take into consideration:

(a) safety and security issues;

(b) the need to avoid overproduction of marijuana and marijuana-infused products;

(c) the provision of adequate access to usable marijuana to accommodate the needs of registered cardholders; and

(d) economies of scale and their effect on the ability of licensees to comply with regulatory requirements and undercut illegal market prices.

(3) The administrative rules promulgated under this part for testing laboratories must be developed and proposed by the state laboratory."

Approved May 14, 2021

CHAPTER NO. 506

[HB 303]

AN ACT INCREASING THE CLASS EIGHT BUSINESS EQUIPMENT TAX EXEMPTION; PROVIDING A REIMBURSEMENT TO LOCAL GOVERNMENTS AND TAX INCREMENT FINANCING DISTRICTS UNDER THE ENTITLEMENT SHARE PROGRAM, TO SCHOOL DISTRICTS THROUGH GUARANTEED TAX BASE AID, AND TO THE MONTANA UNIVERSITY SYSTEM FOR THE LOSS OF REVENUE; PROVIDING A STATUTORY APPROPRIATION; AMENDING SECTIONS 15-1-121, 15-1-123, 15-6-138, AND 20-9-366, MCA; AND PROVIDING EFFECTIVE DATES, APPLICABILITY DATES, AND TERMINATION DATES.

Be it enacted by the Legislature of the State of Montana:

Section 1. Section 15-1-121, MCA, is amended to read:

"15-1-121. Entitlement share payment – purpose – appropriation.

(1) As described in 15-1-120(3), each local government is entitled to an annual amount that is the replacement for revenue received by local governments for diminishment of property tax base and various earmarked fees and other revenue that, pursuant to Chapter 574, Laws of 2001, amended by section 4, Chapter 13, Special Laws of August 2002, and later enactments, were consolidated to provide aggregation of certain reimbursements, fees, tax collections, and

other revenue in the state treasury with each local government's share. The reimbursement under this section is provided by direct payment from the state treasury rather than the ad hoc system that offset certain state payments with local government collections due the state and reimbursements made by percentage splits, with a local government remitting a portion of collections to the state, retaining a portion, and in some cases sending a portion to other local governments.

(2) The sources of dedicated revenue that were relinquished by local governments in exchange for an entitlement share of the state general fund were:

(a) personal property tax reimbursements pursuant to sections 167(1) through (5) and 169(6), Chapter 584, Laws of 1999;

(b) vehicle, boat, and aircraft taxes and fees pursuant to:

(i) Title 23, chapter 2, part 5;

(ii) Title 23, chapter 2, part 6;

(iii) Title 23, chapter 2, part 8;

(iv) 61-3-317;

(v) 61-3-321;

(vi) Title 61, chapter 3, part 5, except for 61-3-509(3), as that subsection read prior to the amendment of 61-3-509 in 2001;

(vii) Title 61, chapter 3, part 7;

(viii) 5% of the fees collected under 61-10-122;

(ix) 61-10-130;

(x) 61-10-148; and

(xi) 67-3-205;

(c) gaming revenue pursuant to Title 23, chapter 5, part 6, except for the permit fee in 23-5-612(2)(a);

(d) district court fees pursuant to:

(i) 25-1-201, except those fees in 25-1-201(1)(d), (1)(g), and (1)(j);

(ii) 25-1-202;

(iii) 25-9-506; and

(iv) 27-9-103;

(e) certificate of title fees for manufactured homes pursuant to 15-1-116;

(f) financial institution taxes collected pursuant to the former provisions of Title 15, chapter 31, part 7;

(g) all beer, liquor, and wine taxes pursuant to:

(i) 16-1-404;

(ii) 16-1-406; and

(iii) 16-1-411;

(h) late filing fees pursuant to 61-3-220;

(i) title and registration fees pursuant to 61-3-203;

(j) veterans' cemetery license plate fees pursuant to 61-3-459;

(k) county personalized license plate fees pursuant to 61-3-406;

(l) special mobile equipment fees pursuant to 61-3-431;

(m) single movement permit fees pursuant to 61-4-310;

(n) state aeronautics fees pursuant to 67-3-101; and

(o) department of natural resources and conservation payments in lieu of taxes pursuant to former Title 77, chapter 1, part 5.

(3) Except as provided in subsection (7)(b), the total amount received by each local government in the prior fiscal year as an entitlement share payment under this section is the base component for the subsequent fiscal year distribution, and in each subsequent year the prior year entitlement share payment, including any reimbursement payments received pursuant to

subsection (7), is each local government's base component. The sum of all local governments' base components is the fiscal year entitlement share pool.

(4) (a) Except as provided in subsections (4)(b)(iv) and (7)(b), the base entitlement share pool must be increased annually by an entitlement share growth rate as provided for in this subsection (4). The amount determined through the application of annual growth rates is the entitlement share pool for each fiscal year.

(b) By October 1 of each year, the department shall calculate the growth rate of the entitlement share pool for the next fiscal year in the following manner:

(i) The department shall calculate the entitlement share growth rate based on the ratio of two factors of state revenue sources for the first, second, and third most recently completed fiscal years as recorded on the statewide accounting, budgeting, and human resource system. The first factor is the sum of the revenue for the first and second previous completed fiscal years received from the sources referred to in subsections (2)(b), (2)(c), and (2)(g) divided by the sum of the revenue for the second and third previous completed fiscal years received from the same sources multiplied by 0.75. The second factor is the sum of the revenue for the first and second previous completed fiscal years received from individual income tax as provided in Title 15, chapter 30, and corporate income tax as provided in Title 15, chapter 31, divided by the sum of the revenue for the second and third previous completed fiscal years received from the same sources multiplied by 0.25.

(ii) Except as provided in subsections (4)(b)(iii) and (4)(b)(iv), the entitlement share growth rate is the lesser of:

(A) the sum of the first factor plus the second factor; or

(B) 1.03 for counties, 1.0325 for consolidated local governments, and 1.035 for cities and towns.

(iii) In no instance can the entitlement growth factor be less than 1. Subject to subsection (4)(b)(iv), the entitlement share growth rate is applied to the most recently completed fiscal year entitlement payment to determine the subsequent fiscal year payment.

(iv) The entitlement share growth rate, as described in this subsection (4), is:

(A) for fiscal year 2018, 1.005;

(B) for fiscal year 2019, 1.0187;

(C) for fiscal year 2020 and thereafter, determined as provided in subsection (4)(b)(ii). The rate must be applied to the entitlement payment for the previous fiscal year as if the payment had been calculated using entitlement share growth rates for fiscal years 2018 and 2019 as provided in subsection (4)(b)(ii).

(5) As used in this section, "local government" means a county, a consolidated local government, an incorporated city, and an incorporated town. A local government does not include a tax increment financing district provided for in subsection (8). The county or consolidated local government is responsible for making an allocation from the county's or consolidated local government's share of the entitlement share pool to each special district within the county or consolidated local government in a manner that reasonably reflects each special district's loss of revenue sources for which reimbursement is provided in this section. The allocation for each special district that existed in 2002 must be based on the relative proportion of the loss of revenue in 2002.

(6) (a) The entitlement share pools calculated in this section, the amounts ~~determined distributed~~ under ~~15-1-123(2)~~ 15-1-123(4) for local governments, the funding provided for in subsection (8) of this section, and the amounts

determined *distributed* under ~~15-1-123(3)~~ 15-1-123(5) for tax increment financing districts are statutorily appropriated, as provided in 17-7-502, from the general fund to the department for distribution to local governments.

(b) (i) The growth amount is the difference between the entitlement share pool in the current fiscal year and the entitlement share pool in the previous fiscal year. The growth factor in the entitlement share must be calculated separately for:

- (A) counties;
- (B) consolidated local governments; and
- (C) incorporated cities and towns.

(ii) In each fiscal year, the growth amount for counties must be allocated as follows:

(A) 50% of the growth amount must be allocated based upon each county's percentage of the prior fiscal year entitlement share pool for all counties; and

(B) 50% of the growth amount must be allocated based upon the percentage that each county's population bears to the state population not residing within consolidated local governments as determined by the latest interim year population estimates from the Montana department of commerce as supplied by the United States bureau of the census.

(iii) In each fiscal year, the growth amount for consolidated local governments must be allocated as follows:

(A) 50% of the growth amount must be allocated based upon each consolidated local government's percentage of the prior fiscal year entitlement share pool for all consolidated local governments; and

(B) 50% of the growth amount must be allocated based upon the percentage that each consolidated local government's population bears to the state's total population residing within consolidated local governments as determined by the latest interim year population estimates from the Montana department of commerce as supplied by the United States bureau of the census.

(iv) In each fiscal year, the growth amount for incorporated cities and towns must be allocated as follows:

(A) 50% of the growth amount must be allocated based upon each incorporated city's or town's percentage of the prior fiscal year entitlement share pool for all incorporated cities and towns; and

(B) 50% of the growth amount must be allocated based upon the percentage that each city's or town's population bears to the state's total population residing within incorporated cities and towns as determined by the latest interim year population estimates from the Montana department of commerce as supplied by the United States bureau of the census.

(v) In each fiscal year, the amount of the entitlement share pool before the growth amount or adjustments made under subsection (7) are applied is to be distributed to each local government in the same manner as the entitlement share pool was distributed in the prior fiscal year.

(7) (a) If the legislature enacts a reimbursement provision that is to be distributed pursuant to this section, the department shall determine the reimbursement amount as provided in the enactment and add the appropriate amount to the entitlement share distribution under this section. The total entitlement share distributions in a fiscal year, including distributions made pursuant to this subsection, equal the local fiscal year entitlement share pool. The ratio of each local government's distribution from the entitlement share pool must be recomputed to determine each local government's ratio to be used in the subsequent year's distribution determination under subsections (6)(b)(ii)(A), (6)(b)(iii)(A), and (6)(b)(iv)(A).

(b) For fiscal year 2018 and thereafter, the growth rate provided for in subsection (4) does not apply to the portion of the entitlement share pool attributable to the reimbursement provided for in ~~15-1-123(2)~~ *15-1-123(1) and (2)*. The department shall calculate the portion of the entitlement share pool attributable to the reimbursement in ~~15-1-123(2)~~ *15-1-123(1) and (2)*, including the application of the growth rate in previous fiscal years, for counties, consolidated local governments, and cities and, for fiscal year 2018 and thereafter, apply the growth rate for that portion of the entitlement share pool as provided in ~~15-1-123(2)~~ *15-1-123(3)*.

(c) The growth amount resulting from the application of the growth rate in ~~15-1-123(2)~~ *15-1-123(3)* must be allocated as provided in subsections (6)(b)(ii)(A), (6)(b)(iii)(A), and (6)(b)(iv)(A) of this section.

(8) (a) Except for a tax increment financing district entitled to a reimbursement under ~~15-1-123(3)~~ *15-1-123(5)*, if a tax increment financing district was not in existence during the fiscal year ending June 30, 2000, then the tax increment financing district is not entitled to any funding. If a tax increment financing district referred to in subsection (8)(b) terminates, then the funding for the district provided for in subsection (8)(b) terminates.

(b) One-half of the payments provided for in this subsection (8)(b) must be made by November 30 and the other half by May 31 of each year. Subject to subsection (8)(a), the entitlement share for tax increment financing districts is as follows:

Flathead	Kalispell - District 2	\$4,638
Flathead	Kalispell - District 3	37,231
Flathead	Whitefish District	148,194
Gallatin	Bozeman - downtown	31,158
Missoula	Missoula - 1-1C	225,251
Missoula	Missoula - 4-1C	30,009

(9) The estimated fiscal year entitlement share pool and any subsequent entitlement share pool for local governments do not include revenue received from tax increment financing districts.

(10) When there has been an underpayment of a local government's share of the entitlement share pool, the department shall distribute the difference between the underpayment and the correct amount of the entitlement share. When there has been an overpayment of a local government's entitlement share, the local government shall remit the overpaid amount to the department.

(11) A local government may appeal the department's estimation of the base component, the entitlement share growth rate, or a local government's allocation of the entitlement share pool, according to the uniform dispute review procedure in 15-1-211.

(12) (a) Except as provided in 2-7-517, a payment required pursuant to this section may not be offset by a debt owed to a state agency by a local government in accordance with Title 17, chapter 4, part 1.

(b) A payment required pursuant to this section must be withheld if a local government:

(i) fails to meet a deadline established in 2-7-503(1), 7-6-611(2), 7-6-4024(3), or 7-6-4036(1); and

(ii) fails to remit any amounts collected on behalf of the state as required by 15-1-504 or as otherwise required by law within 45 days of the end of a month.

(c) A payment required pursuant to this section may be withheld if, for more than 90 days, a local government fails to:

(i) file a financial report required by 15-1-504;

(ii) remit any amounts collected on behalf of the state as required by 15-1-504; or

(iii) remit any other amounts owed to the state or another taxing jurisdiction.”

Section 2. Section 15-1-123, MCA, is amended to read:

“15-1-123. Reimbursement for class eight rate reduction and exemption – distribution – appropriations. (1) *For Except as provided in subsection (2), for the tax rate reductions in 15-6-138(3), the increased exemption amount in 15-6-138(4), the effective tax rate reductions on property under 15-6-145 because of the rate reductions required by the amendments of 15-6-138 in section 2, Chapter 411, Laws of 2011, and section 2, Chapter 396, Laws of 2013, and the effective tax rate reductions on property under 15-6-145 because of the increased exemption amount required by the amendment of 15-6-138 in section 2, Chapter 396, Laws of 2013, the department shall reimburse each local government, as defined in 15-1-121(5), each tax increment financing district, and the 6-mill university levy for the purposes of 15-10-109 the difference between property tax collections under 15-6-138 as amended by section 2, Chapter 411, Laws of 2011, and section 2, Chapter 396, Laws of 2013, and under 15-6-145 and the property tax revenue that would have been collected under 15-6-138 and 15-6-145 if 15-6-138 had not been amended by section 2, Chapter 411, Laws of 2011, and section 2, Chapter 396, Laws of 2013. The difference plus the amount calculated in subsection (2) is the annual reimbursable amount for each local government, each tax increment financing district, and the 6-mill levy for the support of the Montana university system under 15-10-109.*

(2) For the increased exemption amount in 15-6-138(4) provided for in [this act], the department shall reimburse each local government, as defined in 15-1-121(5), each tax increment financing district, and the 6-mill university levy for the purposes of 15-10-109 the difference between property tax collections that would have been collected under 15-6-138 as amended by [this act] and the property tax revenue that would have been collected under 15-6-138 if it had not been amended by [this act]. The difference calculated in this subsection is added to the annual reimbursable amount for each local government, each tax increment financing district, and the 6-mill levy for the support of the Montana university system under 15-10-109 calculated in subsection (1). The department shall lower the reimbursement to compensate for an increase in property tax collections based on [section 14] during any tax year in which an increase in value occurs by the termination of an exemption due to the American Rescue Plan Act, Public Law 117-2, and [section 14].

(3) The growth rate applied to the reimbursements is:

(a) for the reimbursement calculated pursuant to subsection (1), one-half of the average rate of inflation for the prior 3 years; and

(b) for the reimbursement calculated pursuant to subsection (2), 0%.

~~(2)(4) The department shall distribute the reimbursements calculated in subsection subsections (1) and (2) to local governments with the entitlement share payments under 15-1-121(7). The growth rate applied to the reimbursement is one-half of the average rate of inflation for the prior 3 years.~~

~~(3)(5) The amount determined under subsection subsections (1) and (2) for each tax increment financing district must be added to the reimbursement amount for the tax increment financing district as provided in 15-1-121(8)(b) if the tax increment financing district is still in existence. If a tax increment financing district that is entitled to a reimbursement under this section is not listed under 15-1-121(8)(b), the reimbursement must be made to that tax increment financing district at the same time as other districts.~~

~~(4)(6)~~ (a) The amount determined under ~~subsection~~ *subsections (1) and (2)* for the 6-mill university levy must be added to current collections and reimbursements for the support of the Montana university system as provided in 15-10-109.

(b) The department of administration shall transfer the amount determined under this subsection ~~(4)(6)~~ from the general fund to the state special revenue fund for the support of the Montana university system as provided in 15-10-109.”

Section 3. Section 15-1-123, MCA, is amended to read:

“15-1-123. Reimbursement for class eight rate reduction and exemption – distribution – appropriations. (1) ~~For~~ *Except as provided in subsection (2), for the tax rate reductions in 15-6-138(3), the increased exemption amount in 15-6-138(4), the effective tax rate reductions on property under 15-6-145 because of the rate reductions required by the amendments of 15-6-138 in section 2, Chapter 411, Laws of 2011, and section 2, Chapter 396, Laws of 2013, and the effective tax rate reductions on property under 15-6-145 because of the increased exemption amount required by the amendment of 15-6-138 in section 2, Chapter 396, Laws of 2013, the department shall reimburse each local government, as defined in 15-1-121(5), each tax increment financing district, and the 6-mill university levy for the purposes of 15-10-109 the difference between property tax collections under 15-6-138 as amended by section 2, Chapter 411, Laws of 2011, and section 2, Chapter 396, Laws of 2013, and under 15-6-145 and the property tax revenue that would have been collected under 15-6-138 and 15-6-145 if 15-6-138 had not been amended by section 2, Chapter 411, Laws of 2011, and section 2, Chapter 396, Laws of 2013. The difference plus the amount calculated in subsection (2) is the annual reimbursable amount for each local government, each tax increment financing district, and the 6-mill levy for the support of the Montana university system under 15-10-109.*

(2) For the increased exemption amount in 15-6-138(4) provided for in [this act], the department shall reimburse each local government, as defined in 15-1-121(5), each tax increment financing district, and the 6-mill university levy for the purposes of 15-10-109 the difference between property tax collections that would have been collected under 15-6-138 as amended by [this act] and the property tax revenue that would have been collected under 15-6-138 if it had not been amended by [this act]. The difference calculated in this subsection is added to the annual reimbursable amount for each local government, each tax increment financing district, and the 6-mill levy for the support of the Montana university system under 15-10-109 calculated in subsection (1).

(3) The growth rate applied to the reimbursements is:

(a) for the reimbursement calculated pursuant to subsection (1), one-half of the average rate of inflation for the prior 3 years; and

(b) for the reimbursement calculated pursuant to subsection (2), 0%.

~~(2)(4)~~ The department shall distribute the reimbursements calculated in ~~subsection~~ *subsections (1) and (2)* to local governments with the entitlement share payments under 15-1-121(7). ~~The growth rate applied to the reimbursement is one-half of the average rate of inflation for the prior 3 years.~~

~~(3)(5)~~ The amount determined under ~~subsection~~ *subsections (1) and (2)* for each tax increment financing district must be added to the reimbursement amount for the tax increment financing district as provided in 15-1-121(8)(b) if the tax increment financing district is still in existence. If a tax increment financing district that is entitled to a reimbursement under this section is not listed under 15-1-121(8)(b), the reimbursement must be made to that tax increment financing district at the same time as other districts.

(4)(6) (a) The amount determined under ~~subsection~~ *subsections (1) and (2)* for the 6-mill university levy must be added to current collections and reimbursements for the support of the Montana university system as provided in 15-10-109.

(b) The department of administration shall transfer the amount determined under this subsection (4) (6) from the general fund to the state special revenue fund for the support of the Montana university system as provided in 15-10-109.”

Section 4. Section 15-6-138, MCA, is amended to read:

“15-6-138. Class eight property – description – taxable percentage.

(1) Class eight property includes:

(a) all agricultural implements and equipment that are not exempt under 15-6-207 or 15-6-220;

(b) all mining machinery, fixtures, equipment, tools that are not exempt under 15-6-219, and supplies except those included in class five under 15-6-135;

(c) for oil and gas production, all:

(i) machinery;

(ii) fixtures;

(iii) equipment, including flow lines and gathering lines, pumping units, oil field storage tanks, water storage tanks, water disposal injection pumps, gas compressor and dehydrator units, communication towers, gas metering shacks, treaters, gas separators, water flood units, and gas boosters, together with equipment that is skidable, portable, or movable;

(iv) tools that are not exempt under 15-6-219; and

(v) supplies except those included in class five;

(d) all manufacturing machinery, fixtures, equipment, tools, except a certain value of hand-held tools and personal property related to space vehicles, ethanol manufacturing, and industrial dairies and milk processors as provided in 15-6-220, and supplies except those included in class five;

(e) all goods and equipment that are intended for rent or lease, except goods and equipment that are specifically included and taxed in another class or that are rented under a purchase incentive rental program as defined in 15-6-202(4);

(f) special mobile equipment as defined in 61-1-101;

(g) furniture, fixtures, and equipment, except that specifically included in another class, used in commercial establishments as defined in this section;

(h) x-ray and medical and dental equipment;

(i) citizens band radios and mobile telephones;

(j) radio and television broadcasting and transmitting equipment;

(k) cable television systems;

(l) coal and ore haulers;

(m) theater projectors and sound equipment; and

(n) all other property that is not included in any other class in this part, except that property that is subject to a fee in lieu of a property tax.

(2) As used in this section, the following definitions apply:

(a) “Coal and ore haulers” means nonhighway vehicles that exceed 18,000 pounds an axle and that are primarily designed and used to transport coal, ore, or other earthen material in a mining or quarrying environment.

(b) “Commercial establishment” includes any hotel, motel, office, petroleum marketing station, or service, wholesale, retail, or food-handling business.

(c) “Flow lines and gathering lines” means pipelines used to transport all or part of the oil or gas production from an oil or gas well to an interconnection with a common carrier pipeline as defined in 69-13-101, a pipeline carrier as

defined in 49 U.S.C. 15102(2), or a rate-regulated natural gas transmission or oil transmission pipeline regulated by the public service commission or the federal energy regulatory commission.

(3) Except as provided in 15-24-1402, class eight property is taxed at:

(a) for the first \$6 million of taxable market value in excess of the exemption amount in subsection (4), 1.5%; and

(b) for all taxable market value in excess of \$6 million, 3%.

(4) The first ~~\$100,000~~ *\$300,000* of market value of class eight property of a person or business entity is exempt from taxation.

(5) The gas gathering facilities of a stand-alone gas gathering company providing gas gathering services to third parties on a contractual basis, owning more than 500 miles of gas gathering lines in Montana, and centrally assessed in tax years prior to 2009 must be treated as a natural gas transmission pipeline subject to central assessment under 15-23-101. For purposes of this subsection, the gas gathering line ownership of all affiliated companies, as defined in section 1504(a) of the Internal Revenue Code, 26 U.S.C. 1504(a), must be aggregated for purposes of determining the 500-mile threshold."

Section 5. Section 15-6-138, MCA, is amended to read:

"15-6-138. Class eight property -- description -- taxable percentage.

(1) Class eight property includes:

(a) all agricultural implements and equipment that are not exempt under 15-6-207 or 15-6-220;

(b) all mining machinery, fixtures, equipment, tools that are not exempt under 15-6-219, and supplies except those included in class five under 15-6-135;

(c) for oil and gas production, all:

(i) machinery;

(ii) fixtures;

(iii) equipment, including flow lines and gathering lines, pumping units, oil field storage tanks, water storage tanks, water disposal injection pumps, gas compressor and dehydrator units, communication towers, gas metering shacks, treaters, gas separators, water flood units, and gas boosters, together with equipment that is skidable, portable, or movable;

(iv) tools that are not exempt under 15-6-219; and

(v) supplies except those included in class five;

(d) all manufacturing machinery, fixtures, equipment, tools, except a certain value of hand-held tools and personal property related to space vehicles, ethanol manufacturing, and industrial dairies and milk processors as provided in 15-6-220, and supplies except those included in class five;

(e) all goods and equipment that are intended for rent or lease, except goods and equipment that are specifically included and taxed in another class or that are rented under a purchase incentive rental program as defined in 15-6-202(4);

(f) special mobile equipment as defined in 61-1-101;

(g) furniture, fixtures, and equipment, except that specifically included in another class, used in commercial establishments as defined in this section;

(h) x-ray and medical and dental equipment;

(i) citizens band radios and mobile telephones;

(j) radio and television broadcasting and transmitting equipment;

(k) cable television systems;

(l) coal and ore haulers;

(m) theater projectors and sound equipment; and

(n) all other property that is not included in any other class in this part, except that property that is subject to a fee in lieu of a property tax.

(2) As used in this section, the following definitions apply:

(a) “Coal and ore haulers” means nonhighway vehicles that exceed 18,000 pounds an axle and that are primarily designed and used to transport coal, ore, or other earthen material in a mining or quarrying environment.

(b) “Commercial establishment” includes any hotel, motel, office, petroleum marketing station, or service, wholesale, retail, or food-handling business.

(c) “Flow lines and gathering lines” means pipelines used to transport all or part of the oil or gas production from an oil or gas well to an interconnection with a common carrier pipeline as defined in 69-13-101, a pipeline carrier as defined in 49 U.S.C. 15102(2), or a rate-regulated natural gas transmission or oil transmission pipeline regulated by the public service commission or the federal energy regulatory commission.

(3) Except as provided in 15-24-1402, class eight property is taxed at:

(a) for the first \$6 million of taxable market value in excess of the exemption amount in subsection (4), 1.5%; and

(b) for all taxable market value in excess of \$6 million, 3%.

(4) The first ~~\$100,000~~ *\$300,000* of market value of class eight property of a person or business entity is exempt from taxation.

(5) The gas gathering facilities of a stand-alone gas gathering company providing gas gathering services to third parties on a contractual basis, owning more than 500 miles of gas gathering lines in Montana, and centrally assessed in tax years prior to 2009 must be treated as a natural gas transmission pipeline subject to central assessment under 15-23-101. For purposes of this subsection, the gas gathering line ownership of all affiliated companies, as defined in section 1504(a) of the Internal Revenue Code, 26 U.S.C. 1504(a), must be aggregated for purposes of determining the 500-mile threshold.”

Section 6. Section 15-6-138, MCA, is amended to read:

“15-6-138. Class eight property – description – taxable percentage.

(1) Class eight property includes:

(a) all agricultural implements and equipment that are not exempt under 15-6-207 or 15-6-220;

(b) all mining machinery, fixtures, equipment, tools that are not exempt under 15-6-219, and supplies except those included in class five under 15-6-135;

(c) for oil and gas production, all:

(i) machinery;

(ii) fixtures;

(iii) equipment, including flow lines and gathering lines, pumping units, oil field storage tanks, water storage tanks, water disposal injection pumps, gas compressor and dehydrator units, communication towers, gas metering shacks, treaters, gas separators, water flood units, and gas boosters, together with equipment that is skidable, portable, or movable;

(iv) tools that are not exempt under 15-6-219; and

(v) supplies except those included in class five;

(d) all manufacturing machinery, fixtures, equipment, tools, except a certain value of hand-held tools and personal property related to space vehicles, ethanol manufacturing, and industrial dairies and milk processors as provided in 15-6-220, and supplies except those included in class five;

(e) all goods and equipment that are intended for rent or lease, except goods and equipment that are specifically included and taxed in another class or that are rented under a purchase incentive rental program as defined in 15-6-202(4);

(f) special mobile equipment as defined in 61-1-101;

(g) furniture, fixtures, and equipment, except that specifically included in another class, used in commercial establishments as defined in this section;

(h) x-ray and medical and dental equipment;

(i) citizens band radios and mobile telephones;

(j) radio and television broadcasting and transmitting equipment;

(k) cable television systems;

(l) coal and ore haulers;

(m) theater projectors and sound equipment; and

(n) all other property that is not included in any other class in this part, except that property that is subject to a fee in lieu of a property tax.

(2) As used in this section, the following definitions apply:

(a) "Coal and ore haulers" means nonhighway vehicles that exceed 18,000 pounds an axle and that are primarily designed and used to transport coal, ore, or other earthen material in a mining or quarrying environment.

(b) "Commercial establishment" includes any hotel, motel, office, petroleum marketing station, or service, wholesale, retail, or food-handling business.

(c) "Flow lines and gathering lines" means pipelines used to transport all or part of the oil or gas production from an oil or gas well to an interconnection with a common carrier pipeline as defined in 69-13-101, a pipeline carrier as defined in 49 U.S.C. 15102(2), or a rate-regulated natural gas transmission or oil transmission pipeline regulated by the public service commission or the federal energy regulatory commission.

(3) Except as provided in 15-24-1402, class eight property is taxed at:

(a) for the first \$6 million of taxable market value in excess of the exemption amount in subsection (4), 1.5%; and

(b) for all taxable market value in excess of \$6 million, 3%.

(4) The first ~~\$100,000~~ *\$300,000* of market value of class eight property of a person or business entity is exempt from taxation.

(5) The gas gathering facilities of a stand-alone gas gathering company providing gas gathering services to third parties on a contractual basis, owning more than 500 miles of gas gathering lines in Montana, and centrally assessed in tax years prior to 2009 must be treated as a natural gas transmission pipeline subject to central assessment under 15-23-101. For purposes of this subsection, the gas gathering line ownership of all affiliated companies, as defined in section 1504(a) of the Internal Revenue Code, 26 U.S.C. 1504(a), must be aggregated for purposes of determining the 500-mile threshold."

Section 7. Section 15-6-138, MCA, is amended to read:

"15-6-138. Class eight property -- description -- taxable percentage.

(1) Class eight property includes:

(a) all agricultural implements and equipment that are not exempt under 15-6-207 or 15-6-220;

(b) all mining machinery, fixtures, equipment, tools that are not exempt under 15-6-219, and supplies except those included in class five under 15-6-135;

(c) for oil and gas production, all:

(i) machinery;

(ii) fixtures;

(iii) equipment, including flow lines and gathering lines, pumping units, oil field storage tanks, water storage tanks, water disposal injection pumps, gas compressor and dehydrator units, communication towers, gas metering shacks, treaters, gas separators, water flood units, and gas boosters, together with equipment that is skidable, portable, or movable;

(iv) tools that are not exempt under 15-6-219; and

(v) supplies except those included in class five;

(d) all manufacturing machinery, fixtures, equipment, tools, except a certain value of hand-held tools and personal property related to space vehicles, ethanol manufacturing, and industrial dairies and milk processors as provided in 15-6-220, and supplies except those included in class five;

(e) all goods and equipment that are intended for rent or lease, except goods and equipment that are specifically included and taxed in another class or that are rented under a purchase incentive rental program as defined in 15-6-202(4);

(f) special mobile equipment as defined in 61-1-101;

(g) furniture, fixtures, and equipment, except that specifically included in another class, used in commercial establishments as defined in this section;

(h) x-ray and medical and dental equipment;

(i) citizens band radios and mobile telephones;

(j) radio and television broadcasting and transmitting equipment;

(k) cable television systems;

(l) coal and ore haulers;

(m) theater projectors and sound equipment; and

(n) all other property that is not included in any other class in this part, except that property that is subject to a fee in lieu of a property tax.

(2) As used in this section, the following definitions apply:

(a) "Coal and ore haulers" means nonhighway vehicles that exceed 18,000 pounds an axle and that are primarily designed and used to transport coal, ore, or other earthen material in a mining or quarrying environment.

(b) "Commercial establishment" includes any hotel, motel, office, petroleum marketing station, or service, wholesale, retail, or food-handling business.

(c) "Flow lines and gathering lines" means pipelines used to transport all or part of the oil or gas production from an oil or gas well to an interconnection with a common carrier pipeline as defined in 69-13-101, a pipeline carrier as defined in 49 U.S.C. 15102(2), or a rate-regulated natural gas transmission or oil transmission pipeline regulated by the public service commission or the federal energy regulatory commission.

(3) Except as provided in 15-24-1402, class eight property is taxed at:

(a) for the first \$6 million of taxable market value in excess of the exemption amount in subsection (4), 1.5%; and

(b) for all taxable market value in excess of \$6 million, 3%.

(4) The first ~~\$100,000~~ \$300,000 of market value of class eight property of a person or business entity is exempt from taxation.

(5) The gas gathering facilities of a stand-alone gas gathering company providing gas gathering services to third parties on a contractual basis, owning more than 500 miles of gas gathering lines in Montana, and centrally assessed in tax years prior to 2009 must be treated as a natural gas transmission pipeline subject to central assessment under 15-23-101. For purposes of this subsection, the gas gathering line ownership of all affiliated companies, as defined in section 1504(a) of the Internal Revenue Code, 26 U.S.C. 1504(a), must be aggregated for purposes of determining the 500-mile threshold."

Section 8. Section 15-6-138, MCA, is amended to read:

"15-6-138. Class eight property -- description -- taxable percentage.

(1) Class eight property includes:

(a) all agricultural implements and equipment that are not exempt under 15-6-207 or 15-6-220;

(b) all mining machinery, fixtures, equipment, tools that are not exempt under 15-6-219, and supplies except those included in class five under 15-6-135;

- (c) for oil and gas production, all:
 - (i) machinery;
 - (ii) fixtures;
 - (iii) equipment, including flow lines and gathering lines, pumping units, oil field storage tanks, water storage tanks, water disposal injection pumps, gas compressor and dehydrator units, communication towers, gas metering shacks, treaters, gas separators, water flood units, and gas boosters, together with equipment that is skidable, portable, or movable;
 - (iv) tools that are not exempt under 15-6-219; and
 - (v) supplies except those included in class five;
 - (d) all manufacturing machinery, fixtures, equipment, tools, except a certain value of hand-held tools and personal property related to space vehicles, ethanol manufacturing, and industrial dairies and milk processors as provided in 15-6-220, and supplies except those included in class five;
 - (e) all goods and equipment that are intended for rent or lease, except goods and equipment that are specifically included and taxed in another class or that are rented under a purchase incentive rental program as defined in 15-6-202(4);
 - (f) special mobile equipment as defined in 61-1-101;
 - (g) furniture, fixtures, and equipment, except that specifically included in another class, used in commercial establishments as defined in this section;
 - (h) x-ray and medical and dental equipment;
 - (i) citizens band radios and mobile telephones;
 - (j) radio and television broadcasting and transmitting equipment;
 - (k) cable television systems;
 - (l) coal and ore haulers;
 - (m) theater projectors and sound equipment; and
 - (n) all other property that is not included in any other class in this part, except that property that is subject to a fee in lieu of a property tax.
- (2) As used in this section, the following definitions apply:
- (a) "Coal and ore haulers" means nonhighway vehicles that exceed 18,000 pounds an axle and that are primarily designed and used to transport coal, ore, or other earthen material in a mining or quarrying environment.
 - (b) "Commercial establishment" includes any hotel, motel, office, petroleum marketing station, or service, wholesale, retail, or food-handling business.
 - (c) "Flow lines and gathering lines" means pipelines used to transport all or part of the oil or gas production from an oil or gas well to an interconnection with a common carrier pipeline as defined in 69-13-101, a pipeline carrier as defined in 49 U.S.C. 15102(2), or a rate-regulated natural gas transmission or oil transmission pipeline regulated by the public service commission or the federal energy regulatory commission.
- (3) Except as provided in 15-24-1402, class eight property is taxed at:
- (a) for the first \$6 million of taxable market value in excess of the exemption amount in subsection (4), 1.5%; and
 - (b) for all taxable market value in excess of \$6 million, 3%.
- (4) The first ~~\$100,000~~ \$300,000 of market value of class eight property of a person or business entity is exempt from taxation.
- (5) The gas gathering facilities of a stand-alone gas gathering company providing gas gathering services to third parties on a contractual basis, owning more than 500 miles of gas gathering lines in Montana, and centrally assessed in tax years prior to 2009 must be treated as a natural gas transmission pipeline subject to central assessment under 15-23-101. For purposes of this subsection, the gas gathering line ownership of all affiliated companies, as

defined in section 1504(a) of the Internal Revenue Code, 26 U.S.C. 1504(a), must be aggregated for purposes of determining the 500-mile threshold.”

Section 9. Section 15-10-420, MCA, is amended to read:

“15-10-420. Procedure for calculating levy. (1) (a) Subject to the provisions of this section, a governmental entity that is authorized to impose mills may impose a mill levy sufficient to generate the amount of property taxes actually assessed in the prior year plus one-half of the average rate of inflation for the prior 3 years. The maximum number of mills that a governmental entity may impose is established by calculating the number of mills required to generate the amount of property tax actually assessed in the governmental unit in the prior year based on the current year taxable value, less the current year’s newly taxable value, plus one-half of the average rate of inflation for the prior 3 years.

(b) A governmental entity that does not impose the maximum number of mills authorized under subsection (1)(a) may carry forward the authority to impose the number of mills equal to the difference between the actual number of mills imposed and the maximum number of mills authorized to be imposed. The mill authority carried forward may be imposed in a subsequent tax year.

(c) For the purposes of subsection (1)(a), the department shall calculate one-half of the average rate of inflation for the prior 3 years by using the consumer price index, U.S. city average, all urban consumers, using the 1982-84 base of 100, as published by the bureau of labor statistics of the United States department of labor.

(2) A governmental entity may apply the levy calculated pursuant to subsection (1)(a) plus any additional levies authorized by the voters, as provided in 15-10-425, to all property in the governmental unit, including newly taxable property.

(3) (a) For purposes of this section, newly taxable property includes:

- (i) annexation of real property and improvements into a taxing unit;
- (ii) construction, expansion, or remodeling of improvements;
- (iii) transfer of property into a taxing unit;
- (iv) subdivision of real property; and
- (v) transfer of property from tax-exempt to taxable status.

(b) Newly taxable property does not include an increase in value:

(i) that arises because of an increase in the incremental value within a tax increment financing district; *or*

(ii) *caused by the termination of an exemption that occurs due to the American Rescue Plan Act, Public Law 117-2, and [section 14].*

(4) (a) For the purposes of subsection (1), the taxable value of newly taxable property includes the release of taxable value from the incremental taxable value of a tax increment financing district because of:

(i) a change in the boundary of a tax increment financing district;

(ii) an increase in the base value of the tax increment financing district pursuant to 7-15-4287; *or*

(iii) the termination of a tax increment financing district.

(b) If a tax increment financing district terminates prior to the certification of taxable values as required in 15-10-202, the increment value is reported as newly taxable property in the year in which the tax increment financing district terminates. If a tax increment financing district terminates after the certification of taxable values as required in 15-10-202, the increment value is reported as newly taxable property in the following tax year.

(c) For the purpose of subsection (3)(a)(ii), the value of newly taxable class four property that was constructed, expanded, or remodeled property since the

completion of the last reappraisal cycle is the current year market value of that property less the previous year market value of that property.

(d) For the purpose of subsection (3)(a)(iv), the subdivision of real property includes the first sale of real property that results in the property being taxable as class four property under 15-6-134 or as nonqualified agricultural land as described in 15-6-133(1)(c).

(5) Subject to subsection (8), subsection (1)(a) does not apply to:

(a) school district levies established in Title 20; or

(b) a mill levy imposed for a newly created regional resource authority.

(6) For purposes of subsection (1)(a), taxes imposed do not include net or gross proceeds taxes received under 15-6-131 and 15-6-132.

(7) In determining the maximum number of mills in subsection (1)(a), the governmental entity:

(a) may increase the number of mills to account for a decrease in reimbursements; and

(b) may not increase the number of mills to account for a loss of tax base because of legislative action that is reimbursed under the provisions of 15-1-121(7).

(8) The department shall calculate, on a statewide basis, the number of mills to be imposed for purposes of 15-10-109, 20-9-331, 20-9-333, 20-9-360, and 20-25-439. However, the number of mills calculated by the department may not exceed the mill levy limits established in those sections. The mill calculation must be established in tenths of mills. If the mill levy calculation does not result in an even tenth of a mill, then the calculation must be rounded up to the nearest tenth of a mill.

(9) (a) The provisions of subsection (1) do not prevent or restrict:

(i) a judgment levy under 2-9-316, 7-6-4015, or 7-7-2202;

(ii) a levy to repay taxes paid under protest as provided in 15-1-402;

(iii) an emergency levy authorized under 10-3-405, 20-9-168, or 20-15-326;

(iv) a levy for the support of a study commission under 7-3-184;

(v) a levy for the support of a newly established regional resource authority;

(vi) the portion that is the amount in excess of the base contribution of a governmental entity's property tax levy for contributions for group benefits excluded under 2-9-212 or 2-18-703;

(vii) a levy for reimbursing a county for costs incurred in transferring property records to an adjoining county under 7-2-2807 upon relocation of a county boundary;

(viii) a levy used to fund the sheriffs' retirement system under 19-7-404(2)(b); or

(ix) a governmental entity from levying mills for the support of an airport authority in existence prior to May 7, 2019, regardless of the amount of the levy imposed for the support of the airport authority in the past. The levy under this subsection (9)(a)(ix) is limited to the amount in the resolution creating the authority.

(b) A levy authorized under subsection (9)(a) may not be included in the amount of property taxes actually assessed in a subsequent year.

(10) A governmental entity may levy mills for the support of airports as authorized in 67-10-402, 67-11-301, or 67-11-302 even though the governmental entity has not imposed a levy for the airport or the airport authority in either of the previous 2 years and the airport or airport authority has not been appropriated operating funds by a county or municipality during that time.

(11) The department may adopt rules to implement this section. The rules may include a method for calculating the percentage of change in valuation for

purposes of determining the elimination of property, new improvements, or newly taxable value in a governmental unit.”

Section 10. Section 20-9-366, MCA, is amended to read:

“20-9-366. Definitions. As used in 20-9-366 through 20-9-371, the following definitions apply:

(1) “County retirement mill value per elementary ANB” or “county retirement mill value per high school ANB” means the sum of the taxable valuation in the previous year of all property in the county divided by 1,000, with the quotient divided by the total county elementary ANB count or the total county high school ANB count used to calculate the elementary school districts’ and high school districts’ prior year total per-ANB entitlement amounts.

(2) (a) “District guaranteed tax base ratio” for guaranteed tax base funding for the BASE budget of an eligible district means the taxable valuation in the previous year of all property in the district, except for property value disregarded because of protested taxes under 15-1-409(2) or property subject to the creation of a new school district under 20-6-326, divided by the district’s prior year GTBA budget area.

(b) “District mill value per ANB”, for school facility entitlement purposes, means the taxable valuation in the previous year of all property in the district, except for property subject to the creation of a new school district under 20-6-326, divided by 1,000, with the quotient divided by the ANB count of the district used to calculate the district’s prior year total per-ANB entitlement amount.

(3) “Facility guaranteed mill value per ANB”, for school facility entitlement guaranteed tax base purposes, means the sum of the taxable valuation in the previous year of all property in the state, multiplied by 140% and divided by 1,000, with the quotient divided by the total state elementary ANB count or the total state high school ANB count used to calculate the elementary school districts’ and high school districts’ prior year total per-ANB entitlement amounts.

(4) “Guaranteed tax base aid budget area” or “GTBA budget area” means the portion of a district’s BASE budget after the following payments are subtracted:

- (a) direct state aid;
- (b) the total data-for-achievement payment;
- (c) the total quality educator payment;
- (d) the total at-risk student payment;
- (e) the total Indian education for all payment;
- (f) the total American Indian achievement gap payment; and
- (g) the state special education allowable cost payment.

(5) (a) “Statewide elementary guaranteed tax base ratio” or “statewide high school guaranteed tax base ratio”, for guaranteed tax base funding for the BASE budget of an eligible district, means the sum of the taxable valuation in the previous year of all property in the state, multiplied by ~~193% for fiscal year 2018, 216% for fiscal year 2019, 224% for fiscal year 2020, and 232% for fiscal year 2021~~ *2022 and 236% for fiscal year 2023* and each succeeding fiscal year and divided by the prior year statewide GTBA budget area for the state elementary school districts or the state high school districts. *The 236% multiplier for fiscal year 2023 and each succeeding fiscal year must be reduced to 232% for any fiscal year impacted by the termination of an exemption due to the American Rescue Plan Act, Public Law 117-2, and [section 14].*

(b) “Statewide mill value per elementary ANB” or “statewide mill value per high school ANB”, for school retirement guaranteed tax base purposes, means the sum of the taxable valuation in the previous year of all property in

the state, multiplied by 121% and divided by 1,000, with the quotient divided by the total state elementary ANB count or the total state high school ANB amount used to calculate the elementary school districts' and high school districts' prior year total per-ANB entitlement amounts."

Section 11. Severability. If a part of [this act] is invalid, all valid parts that are severable from the invalid part remain in effect. If a part of [this act] is invalid in one or more of its applications, the part remains in effect in all valid applications that are severable from the invalid applications.

Section 12. Effective dates -- applicability. (1) Except as provided in subsections (2) through (7), [this act] is effective July 1, 2021.

(2) [Section 3] is effective January 1, 2026.

(3) [Section 4] is effective October 1, 2021, and applies to the tax year beginning after December 31, 2021.

(4) [Section 5] is effective October 1, 2022, and applies to the tax year beginning after December 31, 2022.

(5) [Section 6] is effective October 1, 2023, and applies to the tax year beginning after December 31, 2023.

(6) [Section 7] is effective October 1, 2024, and applies to the tax year beginning after December 31, 2024.

(7) [Section 8] is effective July 1, 2025, and applies to the tax years beginning after December 31, 2025.

Section 13. Termination. (1) [Section 4] terminates December 31, 2022.

(2) [Section 5] terminates December 31, 2023.

(3) [Section 6] terminates December 31, 2024.

(4) [Section 14] terminates January 1, 2025.

(5) [Sections 2, 7, and 9] terminate December 31, 2025.

Section 14. Contingent termination -- legislative intent -- specific findings -- report to the legislative finance committee. (1) The legislature intends to provide the tax relief provided by [this act] while also preventing the loss of federal funds that are available to the state as part of the recently enacted American Rescue Plan Act, Public Law 117-2. The contingent termination provisions in subsections (2) through (5) are limited to the duration of time established by each subsection and are necessary based on the lack of information available to the legislature from the federal government at the time of enactment of [this act].

(2) [Section 4] terminates on the date that the budget director provides the certification provided for in subsection (7). In order to be effective, the certification must be made in calendar year 2021.

(3) [Section 5] terminates on the date that the budget director provides the certification provided for in subsection (7). In order to be effective, the certification must be made between October 1, 2022, and December 31, 2022.

(4) [Section 6] terminates on the date that the budget director provides the certification provided for in subsection (7). In order to be effective, the certification must be made between October 1, 2023, and December 31, 2023.

(5) [Section 7] terminates on the date that the budget director provides the certification provided for in subsection (7). In order to be effective, the certification must be made between October 1, 2024, and December 31, 2024.

(6) (a) The budget director shall continually evaluate whether implementation of a section of [this act] will:

(i) result in a reduction of funds from the American Rescue Plan Act; or

(ii) require the state to repay or refund to the federal government pursuant to the American Rescue Plan Act.

(b) The budget director shall consider guidance from:

(i) the federal government about the American Rescue Plan Act;

- (ii) court decisions about the American Rescue Plan Act;
- (iii) amendments to the American Rescue Plan Act;
- (iv) any information provided by the attorney general; and
- (v) other relevant information about the American Rescue Plan Act.

(c) If the budget director determines that the implementation of a section of this act may satisfy the criteria in subsection (6)(a) based on the guidance in subsection (6)(b), the budget director shall notify the legislative finance committee of the preliminary determination. The budget director's notification of the preliminary determination may occur after January 1 but no later than December 10 of each of the calendar years 2021, 2022, 2023, and 2024. Within 20 days of notification, the legislative finance committee shall provide the budget director with any recommendations concerning the preliminary determination. The budget director shall consider any recommendations of the legislative finance committee.

(7) If the budget director determines that the implementation of a section of this act would more likely than not satisfy the criteria in subsection (6)(a) based on the guidance in subsection (6)(b) and the recommendations of the legislative finance committee in subsection (6)(c), the budget director shall provide certification in writing to the legislative finance committee and the code commissioner of the occurrence of the relevant contingency provided for in subsections (2) through (5).

Approved May 11, 2021

CHAPTER NO. 507

[HB 318]

AN ACT REVISING WILD BUFFALO AND WILD BISON LAWS; CLARIFYING THE DEFINITION OF "WILD BUFFALO" OR "WILD BISON"; CLARIFYING THAT THE PER CAPITA FEE DOES NOT APPLY TO CERTAIN DOMESTIC BISON; AMENDING SECTIONS 15-24-921, 81-1-101, 87-2-101, AND 87-6-101, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.

Be it enacted by the Legislature of the State of Montana:

Section 1. Section 15-24-921, MCA, is amended to read:

"15-24-921. Per capita fee to pay expenses of enforcing livestock laws. (1) (a) A per capita fee is authorized and directed to be imposed by the department on all poultry and honey bees, all swine 3 months of age or older, and all other livestock 9 months of age or older in each county of this state. The fee is in addition to appropriations and is to help pay the salaries and all expenses connected with the enforcement of the livestock laws of the state and bounties on wild animals as provided in 81-7-104.

(b) *A per capita fee may not be imposed on bison owned by a tribal member or tribe and located on fee land or tribal land within the boundaries of a reservation.*

(2) The per capita fee is due on May 31 of each year. The penalty and interest provisions contained in 15-1-216 apply to late payments of the fee.

(3) ~~As~~ *Except as provided in subsection (1)(b), as used in this section, "livestock" means cattle, sheep, swine, poultry, honey bees, goats, horses, mules, asses, llamas, alpacas, domestic bison, ostriches, rheas, emus, and domestic ungulates.*

Section 2. Section 81-1-101, MCA, is amended to read:

"81-1-101. Definitions. Unless the context requires otherwise, in Title 81, the following definitions apply:

- (1) (a) "Bison" means domestic bison or feral bison.
- (b) The term does not include:
 - (i) wild buffalo or wild bison; or
 - (ii) for the purposes of chapter 9, buffalo.
- (2) "Board" means the board of livestock provided for in 2-15-3102, except as provided in Title 81, chapter 23.
- (3) "Department" means the department of livestock provided for in Title 2, chapter 15, part 31.
- (4) "Domestic bison" means a bison ~~owned by a person that is not a wild buffalo or wild bison.~~
- (5) "Feral bison" means a domestic bison or progeny of a domestic bison that has escaped or been released from captivity and is running at large and unrestrained on public or private land.
- (6) "Wild buffalo" or "wild bison" means a bison that ~~has not been reduced to captivity and is not owned by a person:~~
 - (a) *has not been reduced to captivity;*
 - (b) *has never been subject to the per capita fee under 15-24-921;*
 - (c) *has never been owned by a person; and*
 - (d) *is not the offspring of a bison that has been subject to the per capita fee under 15-24-921."*

Section 3. Section 87-2-101, MCA, is amended to read:

"87-2-101. Definitions. As used in Title 87, chapter 3, and this chapter, unless the context clearly indicates otherwise, the following definitions apply:

- (1) "Angling" or "fishing" means to take or harvest fish or the act of a person possessing any instrument, article, or substance for the purpose of taking or harvesting fish in any location that a fish might inhabit.
- (2) (a) "Bait" means any animal matter, vegetable matter, or natural or artificial scent placed in an area inhabited by wildlife for the purpose of attracting game animals or game birds.
- (b) The term does not include:
 - (i) decoys, silhouettes, or other replicas of wildlife body forms;
 - (ii) scents used only to mask human odor; or
 - (iii) types of scents that are approved by the commission for attracting game animals or game birds.
- (3) "Fur-bearing animals" means marten or sable, otter, muskrat, fisher, mink, bobcat, lynx, wolverine, northern swift fox, and beaver.
- (4) "Game animals" means deer, elk, moose, antelope, caribou, mountain sheep, mountain goat, mountain lion, bear, and wild buffalo.
- (5) "Game fish" means all species of the family Salmonidae (chars, trout, salmon, grayling, and whitefish); all species of the genus Sander (sandpike or sauger and walleyed pike or yellowpike perch); all species of the genus Esox (northern pike, pickerel, and muskellunge); all species of the genus Micropterus (bass); all species of the genus Polyodon (paddlefish); all species of the family Acipenseridae (sturgeon); all species of the genus Lota (burbot or ling); the species *Perca flavescens* (yellow perch); all species of the genus Pomoxis (crappie); and the species *Ictalurus punctatus* (channel catfish).
- (6) "Hunt" means to pursue, shoot, wound, take, harvest, kill, chase, lure, possess, or capture or the act of a person possessing a weapon, as defined in 45-2-101, or using a dog or a bird of prey for the purpose of shooting, wounding, taking, harvesting, killing, possessing, or capturing wildlife protected by the laws of this state in any location that wildlife may inhabit, whether or not the wildlife is then or subsequently taken. The term includes an attempt to take or harvest by any means, including but not limited to pursuing, shooting, wounding, killing, chasing, luring, possessing, or capturing.

(7) "Migratory game birds" means waterfowl, including wild ducks, wild geese, brant, and swans; cranes, including little brown and sandhill; rails, including coots; Wilson's snipes or jacksnipes; and mourning doves.

(8) "Nongame wildlife" means any wild mammal, bird, amphibian, reptile, fish, mollusk, crustacean, or other animal not otherwise legally classified by statute or regulation of this state.

(9) "Open season" means the time during which game birds, game fish, game animals, and fur-bearing animals may be lawfully taken.

(10) "Person" means an individual, association, partnership, or corporation.

(11) "Predatory animals" means coyote, weasel, skunk, and civet cat.

(12) "Trap" means to take or harvest or participate in the taking or harvesting of any wildlife protected by the laws of the state by setting or placing any mechanical device, snare, deadfall, pit, or device intended to take wildlife or to remove wildlife from any of these devices.

(13) "Upland game birds" means sharp-tailed grouse, blue grouse, spruce (Franklin) grouse, prairie chicken, sage hen or sage grouse, ruffed grouse, ring-necked pheasant, Hungarian partridge, ptarmigan, wild turkey, and chukar partridge.

(14) ~~"Wild buffalo" means buffalo or bison that have not been reduced to captivity~~ *"Wild buffalo or bison" or "wild buffalo" means a bison that:*

(a) *has not been reduced to captivity;*

(b) *has never been subject to the per capita fee under 15-24-921;*

(c) *has never been owned by a person; and*

(d) *is not the offspring of a bison that has been subject to the per capita fee under 15-24-921."*

Section 4. Section 87-6-101, MCA, is amended to read:

"87-6-101. Definitions. Unless the context requires otherwise, in this chapter, the following definitions apply:

(1) "Alternative livestock" means a privately owned caribou, white-tailed deer, mule deer, elk, moose, antelope, mountain sheep, or mountain goat indigenous to the state of Montana, a privately owned reindeer, or any other cloven-hoofed ungulate as classified by the department. Black bear and mountain lion must be regulated pursuant to Title 87, chapter 4, part 8.

(2) "Alternative livestock ranch" means the enclosed land area upon which alternative livestock may be kept for purposes of obtaining, rearing in captivity, keeping, or selling alternative livestock or parts of alternative livestock, as authorized under Title 87, chapter 4, part 4.

(3) (a) "Bait" means any animal matter, vegetable matter, or natural or artificial scent placed in an area inhabited by wildlife for the purpose of attracting game animals or game birds.

(b) The term does not include:

(i) decoys, silhouettes, or other replicas of wildlife body forms;

(ii) scents used only to mask human odor; or

(iii) types of scents that are approved by the commission for attracting game animals or game birds.

(4) "Closed season" means the time during which game birds, fish, game animals, and fur-bearing animals may not be lawfully taken.

(5) "Cloven-hoofed ungulate" means an animal of the order Artiodactyla, except a member of the families Suidae, Camelidae, or Hippopotamidae. The term does not include domestic pigs, domestic cows, domestic yaks, domestic sheep, domestic goats that are not naturally occurring in the wild in their country of origin, or bison.

(6) "Conviction" means a judgment or sentence entered following a guilty plea, a nolo contendere plea, a verdict or finding of guilty rendered by a legally

constituted jury or by a court of competent jurisdiction authorized to try the case without a jury, or a forfeiture of bail or collateral deposited to secure the person's appearance in court that has not been vacated.

(7) "Field trial" has the meaning provided in 87-3-601.

(8) "Fishing" means to take or harvest fish or the act of a person possessing any instrument, article, or substance for the purpose of taking or harvesting fish in any location that a fish might inhabit.

(9) (a) "Fur dealer" means a person engaging in, carrying on, or conducting wholly or in part the business of buying or selling, trading, or dealing within the state of Montana in the skins or pelts of fur-bearing animals or predatory animals.

(b) If a fur dealer resides in Montana or if the fur dealer's principal place of business is within the state of Montana, the fur dealer is considered a resident fur dealer. All other fur dealers are considered nonresident fur dealers.

(10) "Fur farm" means enclosed land ~~upon~~ *on* which furbearers are kept for purposes of obtaining, rearing in captivity, keeping, and selling furbearers or parts of furbearers.

(11) (a) "Fur-bearing animal" or "furbearer" means marten or sable, otter, muskrat, fisher, mink, bobcat, lynx, wolverine, northern swift fox, and beaver.

(b) As used in Title 87, chapter 4, part 10, "furbearer" does not include fox or mink.

(12) "Game animal" means deer, elk, moose, antelope, caribou, mountain sheep, mountain goat, mountain lion, bear, and wild buffalo.

(13) "Game fish" means all species of the family Salmonidae (charrs, trout, salmon, grayling, and whitefish); all species of the genus *Stizostedion* (sandpike or sauger and walleyed pike or yellowpike perch); all species of the genus *Esox* (northern pike, pickerel, and muskellunge); all species of the genus *Micropterus* (bass); all species of the genus *Polyodon* (paddlefish); all species of the family *Acipenseridae* (sturgeon); all species of the genus *Lota* (burbot or ling); the species *Perca flavescens* (yellow perch); all species of the genus *Pomoxis* (crappie); and the species *Ictalurus punctatus* (channel catfish).

(14) "Hunt" means to pursue, shoot, wound, take, harvest, kill, chase, lure, possess, or capture or the act of a person possessing a weapon, as defined in 45-2-101, or using a dog or a bird of prey for the purpose of shooting, wounding, taking, harvesting, killing, possessing, or capturing wildlife protected by the laws of this state in any location that wildlife may inhabit, whether or not the wildlife is then or subsequently taken. The term includes an attempt to take or harvest by any means, including but not limited to pursuing, shooting, wounding, killing, chasing, luring, possessing, or capturing.

(15) "Knowingly" has the meaning provided in 45-2-101.

(16) "Livestock" includes ostriches, rheas, and emus.

(17) "Migratory game bird" means waterfowl, including wild ducks, wild geese, brant, and swans; cranes, including little brown and sandhill; rails, including coots; Wilson's snipes or jacksnipes; and mourning doves.

(18) "Negligently" has the meaning provided in 45-2-101.

(19) "Nongame wildlife" means any wild mammal, bird, amphibian, reptile, fish, mollusk, crustacean, or other animal not otherwise legally classified by statute or regulation of this state.

(20) "Open season" means the time during which game birds, fish, and game and fur-bearing animals may be lawfully taken.

(21) "Participating state" means any state that enacts legislation to become a member of the Interstate Wildlife Violator Compact.

(22) "Person" means an individual, association, partnership, and corporation.

(23) "Possession" has the meaning provided in 45-2-101.

(24) “Predatory animal” means coyote, weasel, skunk, and civet cat.

(25) “Purposely” has the meaning provided in 45-2-101.

(26) “Raptor” means all birds of the orders Falconiformes and Strigiformes, commonly called falcons, hawks, eagles, ospreys, and owls.

(27) “Resident” has the meaning provided in 87-2-102.

(28) “Roadside menagerie” means any place where one or more wild animals are kept in captivity for the evident purpose of exhibition or attracting trade, on or off the facility premises. It does not include the exhibition of any animal by an educational institution or by a traveling theatrical exhibition or circus based outside of Montana.

(29) “Sale” means a contract by which a person:

(a) transfers an interest in either game or fish for a price; or

(b) transfers, barter, or exchanges an interest either in game or fish for an article or thing of value.

(30) “Site of the kill” means the location where a game animal or game bird expires and the person responsible for the death takes physical possession of the carcass.

(31) “Supplemental feed attractant” means any food, garbage, or other attractant for game animals. The term does not include growing plants or plants harvested for the feeding of livestock.

(32) “Taxidermist” means a person who conducts a business for the purpose of mounting, preserving, or preparing all or part of the dead bodies of any wildlife.

(33) “Trap” means to take or harvest or participate in the taking or harvesting of any wildlife protected by state law by setting or placing any mechanical device, snare, deadfall, pit, or device intended to take wildlife or to remove wildlife from any of these devices.

(34) “Upland game birds” means sharptailed grouse, blue grouse, spruce (Franklin) grouse, prairie chicken, sage hen or sage grouse, ruffed grouse, ring-necked pheasant, Hungarian partridge, ptarmigan, wild turkey, and chukar partridge.

(35) “Wild animal” means an animal that is wild by nature as distinguished from common domestic animals, whether the animal was bred or reared in captivity, and includes birds and reptiles.

(36) “Wild animal menagerie” means any place where one or more bears or large cats, including cougars, lions, tigers, jaguars, leopards, pumas, cheetahs, ocelots, and hybrids of those large cats, are kept in captivity for use other than public exhibition.

(37) ~~“Wild buffalo” means buffalo or bison that have not been reduced to captivity~~ “Wild buffalo or bison” or “wild buffalo” means a bison that:

(a) *has not been reduced to captivity;*

(b) *has never been subject to the per capita fee under 15-24-921;*

(c) *has never been owned by a person; and*

(d) *is not the offspring of a bison that has been subject to the per capita fee under 15-24-921.*

(38) “Zoo” means any zoological garden chartered as a nonprofit corporation by the state or any facility participating in the American zoo and aquarium association accreditation program for the purpose of exhibiting wild animals for public viewing.”

Section 5. Notification to tribal governments. The secretary of state shall send a copy of [this act] to each federally recognized tribal government in Montana.

Section 6. Effective date. [This act] is effective on passage and approval.

Approved May 14, 2021

CHAPTER NO. 508

[HB 330]

AN ACT GENERALLY REVISING LAWS RELATED TO BUDGET STABILIZATION AND THE BUDGET STABILIZATION RESERVE FUND; REVISING CONDITIONS FOR TRANSFERRING FUNDS FROM THE FIRE SUPPRESSION ACCOUNT; PROVIDING FOR A FINANCIAL MODERNIZATION AND RISK ANALYSIS STUDY TO BE COMPLETED BY A COMMITTEE OF MEMBERS OF THE LEGISLATIVE FINANCE COMMITTEE; DIRECTING THE LEGISLATIVE FINANCE COMMITTEE TO CONDUCT A STUDY ON LONGTERM BUDGET EFFICIENCY AND A STUDY ON DYNAMIC FISCAL NOTES; SETTING PARAMETERS FOR THE STUDIES; PROVIDING TRANSFERS; PROVIDING APPROPRIATIONS; AMENDING SECTIONS 5-12-205 AND 17-7-140, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.

Be it enacted by the Legislature of the State of Montana:

Section 1. Section 5-12-205, MCA, is amended to read:

“5-12-205. Powers and duties of committee. The committee:

(1) may organize, adopt rules to govern its proceedings, form subcommittees, and meet as often as necessary, upon the call of the presiding officer, to advise and consult with the legislative fiscal analyst;

(2) may employ and, in accordance with the rules for classification and pay adopted by the legislative council, set the salary of the legislative fiscal analyst. The legislative fiscal analyst shall serve at the pleasure of and be responsible for providing services to the committee.

(3) may exercise the investigatory powers of a standing committee under chapter 5, part 1, of this title;

(4) shall monitor the information technology policies of the department of administration with specific attention to:

(a) identification of information technology issues likely to require future legislative attention; and

(b) the evaluation of proposed information technology policy changes and the fiscal implications of the proposed changes and shall provide written responses to the department of administration communicating the committee's positions and concerns on proposed policy changes;

(5) may accumulate, compile, analyze, and provide information relevant to existing or proposed legislation on how information technology can be used to impact the welfare of the state;

(6) may prepare legislation to implement any proposed changes involving information technology;

(7) shall, before each regular and special legislative session involving budgetary matters, prepare recommendations to the house appropriations committee and the senate finance and claims committee on the application of certain budget issues. At a minimum, the recommendations must include procedures for the consistent application during each session of inflation factors, the allocation of fixed costs, and the personal services budget. The committee may also make recommendations on other issues of major concern in the budgeting process, such as estimating the cost of implementing particular programs based upon present law; and law.

(8) may, for the biennium beginning July 1, 2019 2021, in consultation with the speaker of the house, appoint up to six ad hoc nonvoting committee

members from the house of representatives. These members may participate in meetings but may not vote.”

Section 2. Section 17-7-140, MCA, is amended to read:

“17-7-140. Reduction in spending. (1) (a) As the chief budget officer of the state, the governor shall ensure that the expenditure of appropriations does not exceed available revenue. Except as provided in subsection (2), in the event of a projected general fund budget deficit, the governor, taking into account the criteria provided in subsection (1)(c), shall direct agencies to reduce spending in an amount that ensures that the projected ending general fund balance for the biennium will be at least:

(i) 4% of the general fund appropriations for the second fiscal year of the biennium prior to October of the year preceding a legislative session;

(ii) 3% of the general fund appropriations for the second fiscal year of the biennium in October of the year preceding a legislative session;

(iii) 2% of the general fund appropriations for the second fiscal year of the biennium in January of the year in which a legislative session is convened; and

(iv) 1% of the general fund appropriations for the second fiscal year of the biennium in March of the year in which a legislative session is convened.

(b) An agency may not be required to reduce general fund spending for any program, as defined in each general appropriations act, by more than 10% during a biennium. ~~Starting January 1, 2021, a~~ A governor may not reduce total agency spending in the biennium by more than 4% of the second year *general fund* appropriations for the agency. Departments or agencies headed by elected officials or the board of regents may not be required to reduce general fund spending by a percentage greater than the percentage of general fund spending reductions required for the weighted average of all other executive branch agencies. The legislature may exempt from a reduction an appropriation item within a program or may direct that the appropriation item may not be reduced by more than 10%.

(c) The governor shall direct agencies to manage their budgets in order to reduce general fund expenditures. Prior to directing agencies to reduce spending as provided in subsection (1)(a), the governor shall direct each agency to analyze the nature of each program that receives a general fund appropriation to determine whether the program is mandatory or permissive and to analyze the impact of the proposed reduction in spending on the purpose of the program. An agency shall submit its analysis to the office of budget and program planning and shall at the same time provide a copy of the analysis to the legislative fiscal analyst. The report must be submitted in an electronic format. The office of budget and program planning shall review each agency's analysis, and the budget director shall submit to the governor a copy of the office of budget and program planning's recommendations for reductions in spending. The budget director shall provide a copy of the recommendations to the legislative fiscal analyst at the time that the recommendations are submitted to the governor and shall provide the legislative fiscal analyst with any proposed changes to the recommendations. The recommendations must be provided in an electronic format. The legislative finance committee shall meet within 20 days of the date that the proposed changes to the recommendations for reductions in spending are provided to the legislative fiscal analyst. The legislative fiscal analyst shall provide a copy of the legislative fiscal analyst's review of the proposed reductions in spending to the budget director at least 5 days before the meeting of the legislative finance committee. The committee may make recommendations concerning the proposed reductions in spending. The governor shall consider each agency's analysis and the recommendations of the office of budget and program planning and the legislative finance

committee in determining the agency's reduction in spending. Reductions in spending must be designed to have the least adverse impact on the provision of services determined to be most integral to the discharge of the agency's statutory responsibilities.

(2) Reductions in spending for the following may not be directed by the governor:

- (a) payment of interest and principal on state debt;
- (b) the legislative branch;
- (c) the judicial branch;
- (d) the school BASE funding program, including special education;
- (e) salaries of elected officials during their terms of office; and
- (f) the Montana school for the deaf and blind.

(3) (a) As used in this section, "projected general fund budget deficit" means an amount, certified by the budget director to the governor, by which the projected ending general fund balance for the biennium is less than:

(i) 4% of the general fund appropriations for the second fiscal year of the biennium prior to October of the year preceding a legislative session;

(ii) 1.875% in October of the year preceding a legislative session;

(iii) 1.25% in January of the year in which a legislative session is convened; and

(iv) 0.625% in March of the year in which a legislative session is convened.

(b) In determining the amount of the projected general fund budget deficit, the budget director shall take into account revenue, established levels of appropriation, anticipated supplemental appropriations for school equalization aid and the cost of the state's wildland fire suppression activities exceeding the amount statutorily appropriated in 10-3-312, and anticipated reversions.

(4) If the budget director determines that an amount of actual or projected receipts will result in an amount less than the amount projected to be received in the revenue estimate established pursuant to 5-5-227, the budget director shall notify the revenue interim committee of the estimated amount. Within 20 days of notification, the revenue interim committee shall provide the budget director with any recommendations concerning the amount. The budget director shall consider any recommendations of the revenue interim committee prior to certifying a projected general fund budget deficit to the governor.

(5) If the budget director certifies a projected general fund budget deficit, the governor may authorize transfers to the general fund from certain accounts as set forth in subsections (6); *and* (7); *and* (8).

~~(6) Before January 1, 2021, the governor may authorize transfers from the budget stabilization reserve fund prior to making reductions in spending. A transfer under this subsection may not cause the fund balance of the budget stabilization reserve fund to be less than 1% of all general fund appropriations in the second year of the biennium.~~

~~(7)(6)~~ The governor may authorize transfers from the budget stabilization reserve fund provided for in 17-7-130. The governor may authorize \$2 of transfers from the fund for each \$1 of reductions in spending.

~~(8)(7)~~ If the budget director certifies a projected general fund budget deficit, the budget stabilization reserve fund provided for in 17-7-130 is fully expended and the governor determines more spending reductions are needed to address the projected general fund budget deficit, the governor may authorize transfers to the general fund from the fire suppression account established in 76-13-150. The amount of funds available for a transfer from this account is up to the sum of the fund balance of the account, plus expected current year revenue, minus the sum of 1% of the general fund appropriations for

the second fiscal year of the biennium, plus estimated expenditures from the account for the fiscal year. The governor may authorize \$1 of transfers from the fire suppression account established in 76-13-150 for each \$1 of reductions in spending.”

Section 3. Legislative financial modernization and risk analysis study. (1) A committee of members of the legislative finance committee and appointed members shall study the long-term future budget and revenue needs with changing economics and demographics.

(2) The study must be conducted by a bipartisan committee consisting of the following:

(a) six members of the legislative finance committee, with three members appointed by the chair and three members appointed by the vice chair; and

(b) four members who are not officials or employees in the executive or legislative branches with two appointed by the chair and two appointed by the vice chair of the committee.

(3) The legislative fiscal division shall provide administrative staff support and fiscal analysis. The legislative services division may provide research and legal support at the request of the committee.

(4) Subject to direction provided by the committee, the study may include but is not limited to:

(a) identifying structural revenue challenges with economic, demographic, and geographical variability considerations;

(b) exploring revenue sufficiency and probable long-term expenditures by state and local government for services, including but not limited to:

(i) health care;

(ii) human services;

(iii) elementary and secondary education;

(iv) higher education;

(v) pensions;

(vi) public safety and corrections;

(vii) infrastructure and public works; and

(viii) programs historically funded by revenue generated from natural resource taxes.

(c) creating data sets and models for future analysis by the legislature; and

(d) proposing potential solutions and possible legislation for consideration by the 2023 legislature.

Section 4. Long term budget efficiency study. (1) The legislative finance committee shall direct a study of the efficiency of operations of government.

(2) The study will be conducted subject to direction from the legislative finance committee.

(3) The legislative fiscal division shall include in its budget analysis for the 2023 legislative session key results of the study for consideration in the 2023 legislative session.

Section 5. Dynamic fiscal note study. (1) The legislative finance committee shall direct a study of the use of dynamic fiscal notes in other states and their potential use in Montana.

(2) The study will be conducted subject to direction from the legislative finance committee.

(3) The legislative fiscal division will make the report of the study and any recommendations of the legislative finance committee available to the 2023 legislative session.

Section 6. Appropriation. (1) There is appropriated \$50,000 from the general fund to the legislative fiscal division for the biennium beginning July 1, 2021, for the additional legislative finance committee members and interim activities.

(2) There is appropriated all remaining general fund appropriation authority from section 7(1), Chapter 398, Laws of 2019, from the general fund to the legislative fiscal division for the biennium beginning July 1, 2021, for continued study and interim activities.

Section 7. Transfers of funds. By August 15, 2021, and August 15, 2022, the state treasurer shall transfer \$1.1 million from the account provided for in 33-2-708 to the general fund.

Section 8. Effective date. [This act] is effective on passage and approval.

Approved May 14, 2021

CHAPTER NO. 509

[HB 340]

AN ACT GENERALLY REVISING THE MONTANA ECONOMIC DEVELOPMENT INDUSTRY ADVANCEMENT ACT FILM TAX INCENTIVES; REVISING THE LIMIT ON CREDITS CLAIMED; AMENDING SECTION 15-31-1010, MCA; AND PROVIDING EFFECTIVE DATES, APPLICABILITY DATES, AND TERMINATION DATES.

Be it enacted by the Legislature of the State of Montana:

Section 1. Section 15-31-1010, MCA, is amended to read:

“15-31-1010. Limitation of tax credits. (1) (a) The department of commerce may grant to applicants pursuant to 15-31-1004 the authority to apply for the tax credits provided for in 15-31-1007 and 15-31-1009.

(b) The authorization by the department of commerce to apply for a credit does not guarantee the credit. A taxpayer authorized to apply for a credit pursuant to 15-31-1004 and this section must meet the requirements of 15-31-1005 through 15-31-1009 and subsection (2) of this section.

(c) The department of commerce shall make reasonable efforts to post on its website the amount of tax credits available and not yet allocated.

(2) (a) Total claims for the tax credits provided for in 15-31-1007 and 15-31-1009 may not exceed ~~\$10~~ \$12 million per calendar year.

(b) Claims must be allowed on a first-come, first-served basis. A taxpayer whose claim for a credit is disallowed because the calendar year limit has been reached may use the credit in the next calendar year but the transfer of the credit to the next calendar year does not extend the carry forward periods provided for in 15-31-1007(5) or 15-31-1009(4).

(c) If a claim is disallowed because the calendar year limit has been reached, the department of revenue may waive penalties and interest pursuant to 15-1-216.

(d) The department of revenue shall make reasonable efforts to post on its website the amount of credits available and not yet claimed.”

Section 2. Section 15-31-1010, MCA, is amended to read:

“15-31-1010. Limitation of tax credits. (1) (a) The department of commerce may grant to applicants pursuant to 15-31-1004 the authority to apply for the tax credits provided for in 15-31-1007 and 15-31-1009.

(b) The authorization by the department of commerce to apply for a credit does not guarantee the credit. A taxpayer authorized to apply for a

credit pursuant to 15-31-1004 and this section must meet the requirements of 15-31-1005 through 15-31-1009 and subsection (2) of this section.

(c) The department of commerce shall make reasonable efforts to post on its website the amount of tax credits available and not yet allocated.

(2) (a) Total claims for the tax credits provided for in 15-31-1007 and 15-31-1009 may not exceed \$10 \$12 million per calendar year.

(b) Claims must be allowed on a first-come, first-served basis. A taxpayer whose claim for a credit is disallowed because the calendar year limit has been reached may use the credit in the next calendar year but the transfer of the credit to the next calendar year does not extend the carry forward periods provided for in 15-31-1007(5) or 15-31-1009(4).

(c) If a claim is disallowed because the calendar year limit has been reached, the department of revenue may waive penalties and interest pursuant to 15-1-216.

(d) The department of revenue shall make reasonable efforts to post on its website the amount of credits available and not yet claimed.”

Section 3. Section 15-31-1010, MCA, is amended to read:

“15-31-1010. Limitation of tax credits. (1) (a) The department of commerce may grant to applicants pursuant to 15-31-1004 the authority to apply for the tax credits provided for in 15-31-1007 and 15-31-1009.

(b) The authorization by the department of commerce to apply for a credit does not guarantee the credit. A taxpayer authorized to apply for a credit pursuant to 15-31-1004 and this section must meet the requirements of 15-31-1005 through 15-31-1009 and subsection (2) of this section.

(c) The department of commerce shall make reasonable efforts to post on its website the amount of tax credits available and not yet allocated.

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(d) The department of revenue shall make reasonable efforts to post on its website the amount of credits available and not yet claimed.”

Section 4. Section 15-31-1010, MCA, is amended to read:

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(b) The authorization by the department of commerce to apply for a credit does not guarantee the credit. A taxpayer authorized to apply for a credit pursuant to 15-31-1004 and this section must meet the requirements of 15-31-1005 through 15-31-1009 and subsection (2) of this section.

(c) The department of commerce shall make reasonable efforts to post on its website the amount of tax credits available and not yet allocated.

(2) (a) Total claims for the tax credits provided for in 15-31-1007 and 15-31-1009 may not exceed \$10 \$12 million per calendar year.

(b) Claims must be allowed on a first-come, first-served basis. A taxpayer whose claim for a credit is disallowed because the calendar year limit has been reached may use the credit in the next calendar year but the transfer of the credit to the next calendar year does not extend the carry forward periods provided for in 15-31-1007(5) or 15-31-1009(4).

(c) If a claim is disallowed because the calendar year limit has been reached, the department of revenue may waive penalties and interest pursuant to 15-1-216.

(d) The department of revenue shall make reasonable efforts to post on its website the amount of credits available and not yet claimed.”

Section 5. Section 15-31-1010, MCA, is amended to read:

“15-31-1010. Limitation of tax credits. (1) (a) The department of commerce may grant to applicants pursuant to 15-31-1004 the authority to apply for the tax credits provided for in 15-31-1007 and 15-31-1009.

(b) The authorization by the department of commerce to apply for a credit does not guarantee the credit. A taxpayer authorized to apply for a credit pursuant to 15-31-1004 and this section must meet the requirements of 15-31-1005 through 15-31-1009 and subsection (2) of this section.

(c) The department of commerce shall make reasonable efforts to post on its website the amount of tax credits available and not yet allocated.

(2) (a) Total claims for the tax credits provided for in 15-31-1007 and 15-31-1009 may not exceed \$10 \$12 million per calendar year.

(b) Claims must be allowed on a first-come, first-served basis. A taxpayer whose claim for a credit is disallowed because the calendar year limit has been reached may use the credit in the next calendar year but the transfer of the credit to the next calendar year does not extend the carry forward periods provided for in 15-31-1007(5) or 15-31-1009(4).

(c) If a claim is disallowed because the calendar year limit has been reached, the department of revenue may waive penalties and interest pursuant to 15-1-216.

(d) The department of revenue shall make reasonable efforts to post on its website the amount of credits available and not yet claimed.”

Section 6. Severability. If a part of [this act] is invalid, all valid parts that are severable from the invalid part remain in effect. If a part of [this act] is invalid in one or more of its applications, the part remains in effect in all valid applications that are severable from the invalid applications.

Section 7. Effective dates – applicability. (1) Except as provided in subsections (2) through (6), [this act] is effective July 1, 2021.

(2) [Section 1] is effective January 1, 2022, and applies to the income tax year beginning after December 31, 2021.

(3) [Section 2] is effective January 1, 2023, and applies to the income tax year beginning after December 31, 2022.

(4) [Section 3] is effective January 1, 2024, and applies to the income tax year beginning after December 31, 2023.

(5) [Section 4] is effective January 1, 2025, and applies to the income tax year beginning after December 31, 2024.

(6) [Section 5] is effective July 1, 2025, and applies to income tax years beginning after June 30, 2025.

Section 8. Termination. (1) [Section 1] terminates December 31, 2022.

(2) [Section 2] terminates December 31, 2023.

(3) [Section 3] terminates December 31, 2024.

(4) [Section 4] terminates December 31, 2025.

(5) [Section 9] terminates January 1, 2025.

Section 9. Contingent termination – legislative intent – specific findings – report to legislative finance committee. (1) The legislature intends to provide the tax relief provided by [this act] while also preventing the loss of federal funds that are available to the state as part of the recently enacted American Rescue Plan Act, Public Law 117-2. The contingent termination provisions in subsections (2) through (5) are limited to the duration of time established by each subsection and are necessary based on the lack of

information available to the legislature from the federal government at the time of enactment of [this act].

(2) [Section 1] terminates on the date that the budget director provides the certification provided for in subsection (7). In order to be effective, the certification must be made in calendar year 2021.

(3) [Section 2] terminates on the date that the budget director provides the certification provided for in subsection (7). In order to be effective, the certification must be made between October 1, 2022, and December 31, 2022.

(4) [Section 3] terminates on the date that the budget director provides the certification provided for in subsection (7). In order to be effective, the certification must be made between October 1, 2023, and December 31, 2023.

(5) [Section 4] terminates on the date that the budget director provides the certification provided for in subsection (7). In order to be effective, the certification must be made between October 1, 2024, and December 31, 2024.

(6) (a) The budget director shall continually evaluate whether implementation of a section of [this act] will:

(i) result in a reduction of funds from the American Rescue Plan Act; or

(ii) require the state to repay or refund to the federal government pursuant to the American Rescue Plan Act.

(b) The budget director shall consider guidance from:

(i) the federal government about the American Rescue Plan Act;

(ii) court decisions about the American Rescue Plan Act;

(iii) amendments to the American Rescue Plan Act;

(iv) any information provided by the attorney general; and

(v) other relevant information about the American Rescue Plan Act.

(c) If the budget director determines that the implementation of a section of [this act] may satisfy the criteria in subsection (6)(a) based on the guidance in subsection (6)(b), the budget director shall notify the legislative finance committee of the preliminary determination. The budget director's notification of the preliminary determination may occur after January 1 but no later than December 10 of each of the calendar years 2021, 2022, 2023, and 2024. Within 20 days of notification, the legislative finance committee shall provide the budget director with any recommendations concerning the preliminary determination. The budget director shall consider any recommendations of the legislative finance committee.

(7) If the budget director determines that the implementation of a section of [this act] would more likely than not satisfy the criteria in subsection (6)(a) based on the guidance in subsection (6)(b) and the recommendations of the legislative finance committee in subsection (6)(c), the budget director shall provide certification in writing to the legislative finance committee and the code commissioner of the occurrence of the relevant contingency provided for in subsections (2) through (5).

Approved May 14, 2021

CHAPTER NO. 510

[HB 357]

AN ACT REVISING THE INFLATIONARY ADJUSTMENT FOR INCOME USED TO DETERMINE ELIGIBILITY FOR PROPERTY TAX ASSISTANCE PROGRAMS; AMENDING SECTIONS 15-6-301, 15-6-305, AND 15-6-311, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND A RETROACTIVE APPLICABILITY DATE.

Be it enacted by the Legislature of the State of Montana:

Section 1. Section 15-6-301, MCA, is amended to read:

“15-6-301. Definitions. As used in this part, the following definitions apply:

(1) “Annual verification” means the use of a process to:

- (a) verify an applicant’s income;
- (b) approve, renew, or deny benefits for the current year based upon the applicant’s eligibility; and
- (c) terminate participation based upon death or loss of status as a qualified veteran or veteran’s spouse.

(2) “PCE” means the implicit price deflator (*price index*) for personal consumption expenditures as published ~~quarterly in the survey of current business in the national income and product accounts~~ by the bureau of economic analysis of the U.S. department of commerce.

(3) “PCE inflation factor” for a tax year means the PCE *price index value* for ~~April the first quarter~~ of the prior tax year before the tax year divided by the PCE *price index value* for ~~April the first quarter~~ of 2015.

(4) (a) “Primary residence” is, subject to the provisions of subsection (4)(b), a dwelling:

- (i) in which a taxpayer can demonstrate the taxpayer lived for at least 7 months of the year for which benefits are claimed;

- (ii) that is the only residence for which property tax assistance is claimed; and

- (iii) determined using the indicators provided for in the rules authorized by 15-6-302(2).

(b) A primary residence may include more than one dwelling when the taxpayer’s combined residence in the dwellings is at least 7 months of the tax year.

(5) “Qualified veteran” means a veteran:

- (a) who was killed while on active duty or died as a result of a service-connected disability; or

- (b) if living:

- (i) was honorably discharged from active service in any branch of the armed services; and

- (ii) is currently rated 100% disabled or is paid at the 100% disabled rate by the U.S. department of veterans affairs for a service-connected disability, as verified by official documentation from the U.S. department of veterans affairs.

(6) “Qualifying income” means:

- (a) the federal adjusted gross income excluding capital and income losses of an applicant and the applicant’s spouse as calculated on the Montana income tax return for the prior year;

- (b) for assistance under 15-6-311, the federal adjusted gross income excluding capital and income losses of an applicant as calculated on the Montana income tax return for the prior tax year; or

- (c) for an applicant who is not required to file a Montana income tax return, the income determined using available income information.

(7) “Qualifying property” means a primary residence that a qualified applicant owned and occupied for at least 7 months during the tax year.

(8) “Residential real property” means the land and improvements of a taxpayer’s primary residence.”

Section 2. Section 15-6-305, MCA, is amended to read:

“15-6-305. Property tax assistance program – fixed or limited income. (1) There is a property tax assistance program that provides graduated levels of tax assistance for the purpose of assisting citizens with

limited or fixed incomes. To be eligible for the program, applicants must meet the requirements of 15-6-302.

(2) The first \$200,000 in appraisal value of residential real property qualifying for the property tax assistance program is taxed at the rates established by 15-6-134 multiplied by a percentage figure based on the applicant's qualifying income determined from the following table:

Income	Income	Percentage
Single Person	Married Couple	Multiplier
	Head of Household	
\$0 - \$8,413	\$0 - \$11,217	20%
\$8,414 - \$12,900	\$11,218 - \$19,630	50%
\$12,901 - \$21,032	\$19,631 - \$28,043	70%

(3) The qualifying income levels contained in subsection (2) must be adjusted annually using the PCE inflation factor defined in 15-6-301, rounded to the nearest whole dollar amount. *If the adjustment results in a decrease in qualifying income levels from the previous year, the qualifying income levels must remain the same for that year.*

Section 3. Section 15-6-311, MCA, is amended to read:

"15-6-311. Disabled veteran program. (1) The residential real property of a qualified veteran or a qualified veteran's spouse is eligible to receive a tax rate reduction as provided in 15-6-302 and this section.

(2) Property qualifying under subsection (1) and owned by a qualified veteran is taxed at the rate provided in 15-6-134 multiplied by a percentage figure based on the applicant's qualifying income determined from the following table:

Income	Income	Percentage
Single Person	Married Couple	Multiplier
	Head of Household	
\$0 - \$37,404	\$0 - \$44,885	0%
\$37,405 - \$41,145	\$44,886 - \$48,626	20%
\$41,146 - \$44,885	\$48,627 - \$52,366	30%
\$44,886 - \$48,626	\$52,367 - \$56,107	50%

(3) For a surviving spouse who owns property qualifying under subsection (4), the property is taxed at the rate established by 15-6-134 multiplied by a percentage figure based on the spouse's qualifying income determined from the following table:

Income	Percentage
Surviving Spouse	Multiplier
\$0 - \$31,170	0%
\$31,171 - \$34,911	20%
\$34,912 - \$38,651	30%
\$38,652 - \$42,392	50%

(4) The property tax exemption under this section remains in effect as long as the qualifying income requirements are met and the property is the primary residence owned and occupied by the veteran or, if the veteran is deceased, by the veteran's spouse and the spouse:

- (a) is the owner and occupant of the house;
- (b) is unmarried; and

(c) has obtained from the U.S. department of veterans affairs a letter indicating that the veteran was rated 100% disabled or was paid at the 100% disabled rate by the U.S. department of veterans affairs for a service-connected disability at the time of death or that the veteran died while on active duty or as a result of a service-connected disability.

(5) The qualifying income levels contained in subsections (2) and (3) must be adjusted annually by using the PCE inflation factor defined in 15-6-301, rounded to the nearest whole dollar amount. *If the adjustment results in a decrease in qualifying income levels from the previous year, the qualifying income levels must remain the same for that year.*

Section 4. Effective date. [This act] is effective on passage and approval.

Section 5. Retroactive applicability. [This act] applies retroactively, within the meaning of 1-2-109, to property tax years beginning after December 31, 2020.

Approved May 14, 2021

CHAPTER NO. 511

[HB 358]

AN ACT GENERALLY REVISING LAWS RELATED TO PRIVACY AND THE PUBLIC RIGHT TO KNOW; PROVIDING DISCLOSURE REQUIREMENTS FOR THE COMPROMISE AND SETTLEMENT OF CLAIMS AGAINST THE STATE; REQUIRING QUARTERLY REPORTS ON DEMANDS TO RESOLVE CLAIMS; PROVIDING DEFINITIONS; AMENDING SECTION 2-9-303, MCA; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, there is a strong public policy supporting the public's right to know the precise reason for the expenditure of public money to settle claims against the government, as discussed in *Citizens to Recall Whitlock v. Whitlock*, 255 Mont. 517, 524, 844 P.2d 74, 78 (1992); and

WHEREAS, the concept of accountability of government includes accountability of how taxpayer dollars are spent; and

WHEREAS, a 2020 performance audit performed by the Legislative Audit Division, State Employee Settlements: Trends, Transparency, and Administration, concluded that the state used nondisclosure agreements in approximately two-thirds of its monetary settlements with employees; and

WHEREAS, anything that prohibits disclosure of how taxpayer dollars are spent inhibits the public's right to know under Article II, section 9, of the Montana Constitution and should rarely be precluded by the protections in the right to privacy contained in Article II, section 10, of the Montana Constitution; and

WHEREAS, there is no basis to protect disclosure of details of settlements given that parties who sue the state in court are typically unable to conceal their identities and allegations from public disclosure; and

WHEREAS, there is no public policy basis to conceal facts about a claim against the state when a party settles a claim given that the same treatment is not afforded to a party who chooses to litigate a claim against the state; and

WHEREAS, the Legislature's intent is to create sunshine and transparency when public money is used to settle claims based on the acts or omissions of state employees and state actors.

Be it enacted by the Legislature of the State of Montana:

Section 1. Short title. [Sections 1 through 4] may be cited as the "State's Settlement of Claims Sunshine and Transparency Act".

Section 2. Definitions. As used in [sections 1 through 4], the following definitions apply:

(1) (a) “Claim” means any claim against a governmental entity for \$10,000 or more in monetary compensation, including but not limited to employment-related claims and tort claims.

(b) The term does not include benefits disputes under Title 39, chapter 51 or 71.

(2) “Department” means the department of administration provided for in 2-15-1001.

(3) “Employee” has the meaning provided in 2-9-101. The term includes a permanent employee, short-term worker, student intern, seasonal employee, personal staff, and temporary employee as those terms are defined in 2-18-101.

(4) “Monetary compensation” includes money and anything of financial value that is used by a governmental entity to resolve a claim, including but not limited to paid administrative leave and reinstatement or rehiring of a terminated employee.

(5) “Nondisclosure agreement” means any kind of contract or agreement requiring the parties to maintain confidentiality of any information related to a settlement with the state, or compromise or settlement agreements with the state.

(6) “Settlement” means a binding legal agreement between the state or its agencies, departments, or other state entities and a party who accepts monetary compensation in return for releasing claims against the state or its entities.

(7) “State” and “governmental entity” means the state of Montana or any office, department, agency, authority, commission, board, institution, hospital, college, or university of the state.

Section 3. Requirements for compromise and settlement of claims against state. (1) The department shall create, monitor, maintain, and update, on an ongoing basis, a website that is available to the public and publishes the following information:

(a) the names of the parties settling claims with the state unless the right to individual privacy outweighs the public right to know;

(b) the date of each compromise or settlement of a claim against the state that results in monetary compensation;

(c) the identity of the entity of the state where the claim originated;

(d) the amount of monetary compensation contained in the compromise or settlement; and

(e) a brief description of the alleged conduct, acts, or omissions by one or more employees, officers, or agents of the state at issue in the case.

(2) If a member of the public requests a paper copy of information on the website or a paper copy of the quarterly report as provided in [section 4], the department shall charge a fee for paper copies that is commensurate with the cost of printing.

(3) All information regarding the compromise or settlement of a claim involving a minor is exempted from disclosure under subsection (1).

(4) The information identified in subsection (1) must be published within 60 days of the date the compromise or settlement occurred.

(5) (a) Nondisclosure agreements are disfavored in compromise or settlement agreements when the state is a party and may be utilized only in the rare instance in which the right to individual privacy outweighs the public right to know.

(b) Nondisclosure agreements may not exempt the state from its reporting obligations in subsections (1)(b) through (1)(e), except in the rare instance in which:

(i) disclosure of information required to be reported by subsection (1)(c) or (1)(e) would lead to a violation of an individual's right to privacy; and

(ii) the right to privacy arising as a result of the claim outweighs the public right to know.

(c) No privacy interest may overcome the public right to know with respect to the duty to report the information in subsections (1)(b) and (1)(d).

(6) All money paid by the state pursuant to a settlement or compromise must be consistently coded in the statewide accounting, budgeting, and human resource system so that when the code or codes are reviewed a complete list of all settled claims is provided. The department shall set the standards for the coding.

(7) Among the records to be maintained when monetary compensation is utilized to settle or compromise claims are documents signed by an appropriate official, including:

(a) a statement that no condition or limitation precludes the use of the funds utilized to pay the settlement or other monetary compensation or damages;

(b) a detailed description of the alleged conduct, acts, or omissions by one or more employees, officers, or agents of the state, and the state's defenses, including legal and factual defenses at issue in the case; and

(c) the settlement terms.

(8) When a governmental entity provides monetary compensation other than money to resolve a claim, the governmental entity must evaluate the value conveyed pursuant to the settlement or compromise to determine whether it meets the \$10,000 threshold requiring disclosure under this section.

Section 4. Quarterly report on demands to resolve claims.

(1) Each governmental entity shall submit a quarterly report to the legislative fiscal division disclosing all civil claims or complaints, including the identity of the court or entity of the state where the complaint is filed, received by or for which service of process has been perfected with initial demands seeking \$10,000 or more in monetary compensation, exclusive of initial demands made in mediations or settlement conferences in which court rules or orders preclude disclosure of demands.

(2) The provisions of this section do not apply to an employee or official in the judicial branch.

(3) Claims for injunctive relief need not be reported as claims seeking monetary compensation.

(4) Demands deemed to be frivolous by governmental entities need not be reported under this section, and judicial review is not available to challenge any such determination made by a governmental entity. If a governmental entity does not disclose a claim or complaint in a quarterly report because the claim is deemed to be frivolous, the governmental entity shall disclose the number of claims or complaints not disclosed under the exemption in this subsection.

Section 5. Section 2-9-303, MCA, is amended to read:

"2-9-303. Compromise or settlement of claim against state. (1) (a) The department of administration may compromise and settle any claim allowed by parts 1 through 3 of this chapter, subject to the terms of insurance, if any. A settlement from the self-insurance reserve fund or deductible reserve fund exceeding \$10,000 must be approved by the district court of the first

judicial district except when suit has been filed in another judicial district, in which case the presiding judge shall approve the compromise settlement.

(b) All records related to a compromise or settlement of a claim against the state must be retained for a period of 20 years.

(2) (a) All terms, conditions, and details of the governmental portion of a compromise or settlement agreement entered into or approved pursuant to subsection (1) are public records available for public inspection unless a right of individual privacy clearly exceeds the merits of public disclosure.

(b) *Unless the state or its entities pay nothing to resolve a claim, the compromise or settlement agreement must include a description of the alleged acts, omissions, or other basis of liability at issue.*

(3) An employee who is a party to a compromise or settlement entered into or approved pursuant to subsection (1) may waive the right of individual privacy and allow the state to release all records or details of the compromise or settlement, such as personnel records, that pertain to the employee personally and that would otherwise be protected by the right of individual privacy subject to the merits of public disclosure.”

Section 6. Use of existing resources. It is the intent of the legislature that the executive branch agencies and entities implement the provisions of [this act] within existing resources.

Section 7. Codification instruction. [Sections 1 through 4] are intended to be codified as an integral part of Title 2, chapter 6, part 10, and the provisions of Title 2, chapter 6, part 10, apply to [sections 1 through 4].

Section 8. Severability. If a part of [this act] is invalid, all valid parts that are severable from the invalid part remain in effect. If a part of [this act] is invalid in one or more of its applications, the part remains in effect in all valid applications that are severable from the invalid applications.

Section 9. Effective date. [This act] is effective July 1, 2021.

Approved May 14, 2021

CHAPTER NO. 512

[HB 365]

AN ACT REVISING MOTOR CARRIER RATE REGULATION; REPEALING THE CLASS B MOTOR CARRIER CLASSIFICATION AND RELATED REQUIREMENTS; AMENDING SECTIONS 69-12-101, 69-12-201, 69-12-205, 69-12-301, 69-12-314, 69-12-321, 69-12-322, 69-12-323, 69-12-324, 69-12-403, 69-12-404, 69-12-406, 69-12-407, 69-12-501, 69-12-502, AND 69-12-611, MCA; REPEALING SECTION 69-12-312, MCA; AND PROVIDING AN EFFECTIVE DATE.

Be it enacted by the Legislature of the State of Montana:

Section 1. Section 69-12-101, MCA, is amended to read:

“69-12-101. Definitions. Unless the context requires otherwise, in this chapter the following definitions apply:

(1) “Between fixed termini” or “over a regular route” means the termini or route between or over which a motor carrier usually or ordinarily operates motor vehicles, even though there may be periodical or irregular departures from the termini or route.

(2) “Certificate” means a certificate of public convenience and necessity or a certificate of compliance issued under this chapter.

(3) “Certificate of compliance” means written authorization to operate issued by the commission for Class A, ~~Class B~~, or Class E motor carriers

that transport passengers declaring that the motor carrier meets the fitness requirements of this chapter.

(4) "Certificate of public convenience and necessity" means a written authorization to operate issued by the commission for Class A ~~and Class B~~ motor carriers that transport property or persons and property, Class C motor carriers, and Class D motor carriers declaring that the motor carrier service is required by the public convenience and necessity, as provided in this chapter.

(5) "Charter service" means a service used for the transportation of passengers by a motor carrier with rates not subject to approval by the commission if:

- (a) the transportation of passengers is based on a single contract;
- (b) the contract is entered into in advance of the transportation and does not result from a spontaneous, curbside agreement;
- (c) the contract includes a single fixed charge and fares are not assessed per passenger;

- (d) the passenger or group of passengers acquires exclusive use of the motor vehicle through the contract; and

- (e) when applied to a group of passengers being transported, the group of passengers travels together to a specified destination.

(6) "Compensation" means the charge imposed on motor carriers for the use of the highways in this state by motor carriers under 69-12-421.

(7) "Corporation" means a corporation, company, association, or joint-stock association.

(8) "Digital network" means any online-enabled application, software, website, or system offered or utilized by a transportation network carrier that enables the prearrangement of rides with transportation network carrier drivers.

(9) "For hire" means for remuneration of any kind, paid or promised, either directly or indirectly, or received or obtained through leasing, brokering, or buy-and-sell arrangements from which a remuneration is obtained or derived for transportation service.

(10) "Garbage" means ashes, trash, waste, refuse, rubbish, organic or inorganic matter that is transported to a licensed transfer station, licensed landfill, licensed municipal solid waste incinerator, or licensed disposal well. The term does not include wastewater and waste tires.

(11) "Household goods" means any of the following:

- (a) personal effects and property used or to be used in a dwelling when they are a part of the equipment or supply of the dwelling. The term does not include property moving from a factory or store unless the property is purchased by a householder for use in a dwelling and is transported at the request of the householder.

- (b) furniture, fixtures, equipment, and the property of stores, offices, museums, institutions, hospitals, or other establishments when those items are a part of the stock, equipment, or supply of the stores, offices, museums, institutions, hospitals, or other establishments. The term does not include the stock-in-trade of an establishment, whether consignor or consignee, other than used furniture and used fixtures, except when transported as incidental to moving of the establishment or a portion of the establishment from one location to another.

- (c) articles, including objects of art, displays, and exhibitions that because of their unusual nature or value, require the specialized handling and equipment usually employed in moving household goods and other similar articles.

(12) “Motor carrier” means a person or corporation, or its lessees, trustees, or receivers appointed by a court, operating motor vehicles upon a public highway in this state for the transportation of passengers, household goods, or garbage for hire on a commercial basis, either as a common carrier or under private contract, agreement, charter, or undertaking. A motor carrier includes a transportation network carrier.

(13) “Motor vehicle” includes vehicles or machines, motor trucks, tractors, or other self-propelled vehicles used for the transportation of property or persons over the public highways of the state.

(14) “Person” means an individual, firm, or partnership.

(15) “Personal vehicle” means a vehicle that is used by a transportation network carrier driver in connection with providing a prearranged ride and is:

(a) owned, leased, or otherwise authorized for use by the transportation network carrier driver; and

(b) not a taxicab, limousine, or for-hire vehicle.

(16) “Prearranged ride” means transportation provided by a driver to a rider, beginning when a driver accepts a ride requested by a rider through a digital network controlled by a transportation network carrier, continuing while the driver transports a requesting rider, and ending when the last requesting rider departs from the personal vehicle. A prearranged ride does not include transportation provided using a taxicab, limousine, or other for-hire vehicle pursuant to Title 69, chapter 12.

(17) “Public highway” means a public street, road, highway, or way in this state.

(18) “Railroad” means the movement of cars on rails, regardless of the motive power used.

(19) “Recyclable” means any material diverted from the solid waste stream that can be reused in the production of heat or energy or as raw material for new products and for which markets exist.

(20) “Transportation network carrier” means an entity that uses a digital network or software application service to connect passengers to transportation network carrier services provided by transportation network carrier drivers. A transportation network carrier may not be deemed to control, direct, or manage the personal vehicles or transportation network carrier drivers that connect to its digital network, except where agreed to by written contract.

(21) “Transportation network carrier driver” or “driver” means an individual who:

(a) receives connections to potential riders and related services from a transportation network carrier in exchange for payment of a fee to the transportation network carrier; and

(b) uses a personal vehicle to provide a prearranged ride to riders upon connection through a digital network controlled by a transportation network carrier in return for compensation or payment of a fee.

(22) “Transportation network carrier rider” or “rider” means an individual or persons who use a transportation network carrier’s digital network to connect with a transportation network carrier driver who provides prearranged rides to the rider in the driver’s personal vehicle between points chosen by the rider.

(23) “Transportation network carrier services” means the transportation of a passenger between points chosen by the passenger and prearranged with a transportation network carrier driver through the use of a transportation network carrier digital network or software application.”

Section 2. Section 69-12-201, MCA, is amended to read:

“69-12-201. Supervision and regulation of motor carriers. (1) The commission has the power and authority and it is its duty to:

- (a) supervise and regulate every motor carrier in this state;
 - (b) fix, alter, regulate, and determine specific, just, reasonable, equal, nondiscriminatory, and sufficient rates, fares, charges, and classifications for Class A and Class B motor carriers;
 - (c) regulate the properties, facilities, operations, accounts, service, practices, and affairs of all motor carriers;
 - (d) require the filing of annual and other reports, tariffs, schedules, or other data by motor carriers;
 - (e) supervise and regulate motor carriers in all matters affecting the relationship between motor carriers and the traveling and shipping public.
- (2) The commission may, by general order or otherwise, prescribe rules in conformity with this chapter and applicable to any and all motor carriers.
- (3) The commission may fix and determine reasonable maximum or minimum rates for the operations of any Class C motor carrier when rates are required for the best interests of public transportation."

Section 3. Section 69-12-205, MCA, is amended to read:

"69-12-205. Rules to reflect differences between carrier classes.

(1) Except as provided in subsection (3), rules related to schedules, service, tariffs, rates, facilities, accounts, and reports must recognize the differences between types of Class A, ~~Class B~~; Class C, Class D, and Class E motor carriers, as defined in this chapter, and must be just, fair, and reasonable to the classes and types of motor carriers in relation to each other and to the public.

(2) (a) In establishing the tariff or rates to be charged by Class A and ~~Class B~~ motor carriers for the carrying of persons, the commission shall take into consideration the kind and character of service to be performed.

(b) In establishing the tariff or rates to be charged by Class A and ~~Class B~~ motor carriers for the carrying of property or persons and property, the commission shall take into consideration the public necessity of the service, the kind and character of service to be performed, and the effect of the tariff and rates on other transportation agencies, if any. The commission shall, as far as possible, avoid detrimental or unreasonable competition with existing railroad service or service furnished by a motor carrier.

(3) Except as provided in 69-12-341, a Class E motor carrier is not subject to commission rules related to schedules, tariffs, or rates."

Section 4. Section 69-12-301, MCA, is amended to read:

"69-12-301. Classification of motor carriers. (1) Motor carriers are divided into ~~five~~ *four* classes to be known as:

- (a) Class A motor carriers;
- ~~(b) Class B motor carriers;~~
- ~~(c)~~(b) Class C motor carriers;
- ~~(d)~~(c) Class D motor carriers; and
- ~~(e)~~(d) Class E motor carriers.

(2) Class A motor carriers include all motor carriers operating between fixed termini or over a regular route and under regular rates or charges, based upon either station-to-station rates or upon a mileage rate or scale.

~~(3) Class B motor carriers include all motor carriers operating under regular rates or charges based upon either station-to-station rates or upon a mileage rate or scale and not between fixed termini or over a regular route.~~

~~(4)~~(3) Class C motor carriers include all motor carriers where the remuneration is fixed in and the transportation service furnished under a contract, charter, agreement, or undertaking.

~~(5)~~(4) Class D motor carriers include all motor carriers operating motor vehicles transporting garbage.

~~(6)~~(5) Class E motor carriers include all transportation network carriers."

Section 5. Section 69-12-314, MCA, is amended to read:

“69-12-314. Class D motor carrier certificate of public convenience and necessity. (1) Class D carriers shall conduct operations pursuant to a certificate of public convenience and necessity issued by the commission authorizing the transportation of the commodities described in 69-12-301(5)(4). Class D carriers, when applying for a new or additional certificate of public convenience and necessity, shall file an application with the commission in accordance with the requirements of this chapter and the rules of the commission.

(2) A motor carrier may not possess a Class D motor carrier certificate of public convenience or necessity or operate as a Class D motor carrier unless the motor carrier actually engages in the transportation of garbage on a regular basis as part of the motor carrier's usual business operation.”

Section 6. Section 69-12-321, MCA, is amended to read:

“69-12-321. Hearing on application for motor carrier certificate.

(1) (a) Upon the filing of an application for a certificate by a Class A, ~~Class B~~, Class C, Class D, or Class E motor carrier, except a Class C motor carrier authorized to operate under the terms of a contract as provided in 69-12-324, or upon the filing of a request for a transfer of authority, the commission shall provide notice of the application to any interested party.

(b) If a protest or a request for hearing is received, the commission shall fix a time and place for a hearing on the application. The hearing must be set for not later than 60 days after receipt of a protest or a hearing request. If a protest or a request for hearing is not received, the commission may act on the application without a hearing as prescribed by commission rules.

(c) A protest related to an application by a motor carrier pursuant to 69-12-311(1)(a) ~~or 69-12-312(1)(a)~~ or by a Class E motor carrier is limited to a protest of the motor carrier's ability to meet the requirements of 69-12-323(5).

(2) A motor carrier referred to in 69-12-322, the department of transportation, the governing board or boards of any county, town, or city into or through which the route or service as proposed may extend, and any person or corporation concerned are interested parties to the proceedings and may offer testimony for or against the granting of the certificate.

(3) The contracting parties referred to in 69-12-313(4) shall appear and offer testimony in support of the applicant.

(4) An application by a motor carrier pursuant to 69-12-311(1)(b) ~~or 69-12-312(1)(b)~~, by a Class C motor carrier, or by a Class D motor carrier for a certificate of public convenience and necessity may be denied without a public hearing when the records of the commission demonstrate that the route or territory sought to be served by the applicant has previously been made the basis of a public investigation and finding by the commission that public convenience and necessity do not require the proposed motor carrier service. A hearing must be held if the applicant presents facts demonstrating that conditions over the route or in the territory and affecting transportation facilities have materially changed since the previous public investigation and finding and that public convenience and necessity now require the motor carrier operation.”

Section 7. Section 69-12-322, MCA, is amended to read:

“69-12-322. Notice of hearing. (1) Whenever a hearing is scheduled, whether as a result of a protest or request or upon the commission's own motion, the commission shall cause a copy of the petition and notice of hearing to be served upon an officer or owner of any motor carrier that in the opinion of the commission might be affected by the granting of the certificate and shall notify any other affected party at least 10 days before the date of hearing.

(2) Notice of the hearing must be published:

(a) in the legal advertising section of a local newspaper or newspapers determined by the commission to have a circulation sufficient to reach the consuming public in the area under consideration for applications for Class C authority ~~and geographically limited Class B authority~~; and

(b) in appropriate newspapers determined by the commission to have sufficient statewide circulation in the case of applications for Class A authority ~~and geographically broad contemplated Class B authority.~~

Section 8. Section 69-12-323, MCA, is amended to read:

“69-12-323. Decision on application. (1) (a) Except as provided in subsection (1)(b), within 180 days from the date of the completed filing of an application, the commission shall issue its finding, order, or decision on the application and the evidence presented in support of the application at the time of the hearing.

(b) The commission may extend the time for making a decision to a date requested by the applicant.

(2) (a) If after a hearing on the request for a certificate of public convenience and necessity the commission finds from the evidence that public convenience and necessity require the authorization of the service proposed or any part of the service proposed, a certificate of public convenience and necessity must be issued. In determining whether a certificate of public convenience and necessity should be issued, the commission shall consider:

(i) the transportation service being furnished or that will be furnished by any railroad or other existing transportation agency;

(ii) the likelihood of the proposed service being permanent and continuous throughout 12 months of the year; and

(iii) the effect that the proposed transportation service may have on other forms of transportation service that are essential and indispensable to the communities to be affected by the proposed transportation service or that might be affected by the proposed transportation service.

(b) For the purposes of issuing a certificate of public convenience and necessity to a Class D motor carrier, a determination of public convenience and necessity may include a consideration of competition.

(3) The commission may issue the certificate as requested in the application or in part and may attach terms and conditions to a certificate of public convenience and necessity for a motor carrier pursuant to 69-12-311(1)(b) ~~or 69-12-312(1)(b)~~, a Class C motor carrier, or a Class D motor carrier that in its judgment public convenience and necessity require.

(4) If a certificate is issued to a motor carrier as provided in this part, the certificate is in effect until terminated by the commission for cause or until terminated by the owner's failure to comply with 69-12-402.

(5) (a) In determining whether to approve a certificate of compliance for a motor carrier pursuant to 69-12-311(1)(a) ~~or 69-12-312(1)(a)~~ or for a Class E motor carrier, the commission shall consider only whether the applicant meets the requirements of 69-12-415. The commission shall provide notice and may require a hearing in accordance with 69-12-321.

(b) An applicant seeking a certificate of compliance establishes a rebuttable presumption that it meets the requirements of 69-12-415 by demonstrating compliance with insurance, bonding, and security requirements established by the commission in accordance with 69-12-402.”

Section 9. Section 69-12-324, MCA, is amended to read:

“69-12-324. Special provisions when federal or state contract involved. (1) A written contract presented to the commission is sufficient proof that a motor carrier pursuant to 69-12-311(1)(a) ~~or 69-12-312(1)(a)~~ or a Class

E motor carrier meets the requirements for a certificate of compliance or that a motor carrier pursuant to 69-12-311(1)(b) ~~or 69-12-312(1)(b)~~, a Class C motor carrier, or a Class D motor carrier meets the requirements for a certificate of public convenience and necessity in accordance with the terms and conditions contained within the United States government or state government contracts. Subject to the provisions of this section, a transportation movement is considered to be:

(a) the transportation for hire of persons between two points within the state by a motor carrier pursuant to the terms of a written contract between the carrier and the United States government or an agency or department of the United States; or

(b) the transportation for hire of solid waste between two points within the state by a motor carrier pursuant to the terms of a written contract between the carrier and the state government or an agency or department of the state.

(2) The Class C certificate of public convenience and necessity issued pursuant to the terms and conditions of the United States government or state government contract may be issued by the commission upon receipt of an executed copy of the United States government or state government contract. The certificate of public convenience and necessity may be issued without a public hearing.

(3) The certificate issued pursuant to the terms of the United States government or state government contract is authorized only for the duration of the United States government or state government contract concerned. The certificate may be renewed for another definite term if the motor carrier is the motor carrier authorized to operate under the United States government or state government contract."

Section 10. Section 69-12-403, MCA, is amended to read:

"69-12-403. Discontinuance of service. ~~No Class A or Class B motor carrier shall~~ *A Class A motor carrier may not* abandon or discontinue any service established under this chapter without an order of the commission ~~therefor.~~"

Section 11. Section 69-12-404, MCA, is amended to read:

"69-12-404. Suspension of certificate by petition. (1) (a) A motor carrier may petition the commission in writing to suspend its certificate for a period not to exceed 6 months. Only one additional 6-month suspension may be requested and granted.

(b) The suspension of a certificate of public convenience and necessity requested by a motor carrier pursuant to 69-12-311(1)(b) ~~or 69-12-312(1)(b)~~, by a Class C motor carrier, or by a Class D motor carrier may be granted upon a showing of present absence of public convenience and necessity or other showing of matters affecting motor carrier transportation.

(2) (a) The suspension of a certificate of compliance for a motor carrier pursuant to 69-12-311(1)(a) ~~or 69-12-312(1)(a)~~ or for a Class E motor carrier as provided for in subsection (1) for a period of 12 consecutive months automatically terminates a certificate of compliance and requires a motor carrier pursuant to 69-12-311(1)(a) ~~or 69-12-312(1)(a)~~ or a Class E motor carrier to reapply for a certificate of compliance.

(b) The suspension of a certificate of public convenience and necessity for a motor carrier pursuant to 69-12-311(1)(b) ~~or 69-12-312(1)(b)~~; a Class C motor carrier, or a Class D motor carrier as provided in subsection (1) for a period of 12 consecutive months establishes a prima facie presumption of absence of public convenience and necessity. If after notice and hearing the motor carrier pursuant to 69-12-311(1)(b) ~~or 69-12-312(1)(b)~~, the Class C motor carrier, or the Class D motor carrier is unable to prove the existence of public

convenience and necessity or existing demand for the transportation service, the commission may cancel a certificate of public convenience and necessity.”

Section 12. Section 69-12-406, MCA, is amended to read:

“69-12-406. Restriction on transportation of certain waste. Except as provided in 69-12-324, a Class A, ~~Class B~~, Class C, or Class E motor carrier may not be authorized or permitted to transport garbage within the state. This restriction does not apply to recyclables.”

Section 13. Section 69-12-407, MCA, is amended to read:

“69-12-407. Records and reports. (1) All records, books, accounts, and files of a Class A, ~~Class B~~, Class C, and Class D motor carrier in this state, as they relate to the business of transportation conducted by the motor carrier, must at all times be subject to examination by the commission or by any authorized agent or employee of the commission. The commission shall prescribe a uniform system of accounts and uniform reports covering the operations of Class A, ~~Class B~~, Class C, and Class D motor carriers. A motor carrier authorized to operate in accordance with the provisions of this chapter shall keep its records, books, and accounts according to the uniform system to the extent possible.

(2) Before April 1 of each year, unless this deadline has been extended for good cause by the commission, a motor carrier authorized to engage in business shall file with the commission a report, under oath, on a form prescribed and furnished by the commission.

(3) In addition to other reporting requirements, a Class D motor carrier shall provide sufficient information to the commission to show that the carrier is entitled to possess the Class D motor carrier certificate of public convenience and necessity under the requirements of 69-12-314.

(4) (a) To ensure safety with respect to transportation network carrier drivers affiliated with Class E motor carriers, the commission may conduct audits of a Class E motor carrier, but not more than twice annually.

(b) A Class E motor carrier shall, upon request from the commission, provide to the commission up to 1,000 unique identification numbers, each of which has been assigned by the motor carrier to an individual transportation network carrier driver affiliated with the motor carrier.

(c) The commission may request from the Class E motor carrier copies of records held by the motor carrier for up to 10 of the motor carrier’s drivers, who may be identified in the request only by the driver’s unique identification number.

(d) The Class E motor carrier shall comply with the request in an electronic format acceptable to the commission within 1 business day after receiving the request.

(e) The Class E motor carrier may redact the records provided to the commission under subsection (4)(d) to protect the individual privacy of the transportation network carrier’s drivers, including information that could be used to identify a driver. Information that a Class E motor carrier may redact includes but is not limited to the transportation network carrier driver’s name, address, and social security number, other than the last four digits.

(5) Except as required by Article II, section 9 or 10, of the Montana constitution, the records obtained by the commission under subsection (4) may not be publicly disclosed by the commission.”

Section 14. Section 69-12-501, MCA, is amended to read:

“69-12-501. Rate schedules to be maintained. (1) A Class A ~~or B~~ motor carrier issued a certificate shall maintain on file with the commission, if applicable, a full and complete schedule of its rates, fares, charges, classifications, and rules of service and any and all tariff provisions relating to

rates, fares, charges, classifications, or rules. A schedule on file and approved on March 7, 1961, remains in full force and effect until changed or modified by the commission or by the carrier with the approval of the commission.

(2) A change, modification, alteration, increase, or decrease in any rate, fare, charge, classification, or rule of service may not be made by a motor carrier without first obtaining the approval of the commission. The commission shall prescribe rules providing for the form and style of all schedules and tariffs and for the procedures to be followed in filing or publishing any changes or modifications of schedules and tariffs."

Section 15. Section 69-12-502, MCA, is amended to read:

"69-12-502. Prohibition on deviation from rate schedules. It ~~shall~~ be unlawful for any Class A ~~or B~~ motor carrier to charge, demand, receive, or collect any greater or less rate, charge, or fare than that fixed by the commission for the transportation service provided. When maximum or minimum rates have been established for any service provided by any Class C motor carrier, it shall likewise be unlawful for ~~such~~ *the* carrier to charge, demand, receive, or collect any greater compensation or rate than that established for the service by any applicable maximum rate or any less compensation or rate than that established by any applicable minimum rate. It ~~also~~ shall *also* be unlawful for any Class A ~~or B~~ motor carrier or any Class C motor carrier subject to maximum or minimum rates to refund or remit, in any manner or by any device, any portion of the rates, fares, and charges required to be collected under the schedule of the Class A ~~or B~~ carrier on file with the commission or under the maximum or minimum rates established by the commission for the Class C carrier."

Section 16. Section 69-12-611, MCA, is amended to read:

"69-12-611. Leasing of power equipment. (1) All Class A, Class ~~B~~, Class C, and Class D motor carriers subject to the jurisdiction of the commission may lease power equipment for the purpose of performing transportation movements within the state. The leasing of power units must be in writing.

(2) All leases must contain:

- (a) the full names and addresses of negotiating parties;
- (b) a complete description of each vehicle involved;
- (c) a provision that the sole possession, responsibility, control, and direction of each vehicle resides with the lessee for the entire term of the lease;
- (d) a provision that the lessee assumes full responsibility for all regulatory fees;

(e) the amount of compensation to be paid for use of the vehicle while under the lease and the method by which the compensation is determined;

(f) the renewal conditions of the lease, if any; and

(g) the term length of the lease.

(3) A copy of the lease must be maintained in each leased vehicle at all times. Each leased power unit must display in a conspicuous place on both sides of the vehicle the identity and address of the lessor and lessee and the certificate number under which the power unit is operating.

(4) The leasing of power units by an authorized carrier to a noncertificated carrier is prohibited."

Section 17. Repealer. The following sections of the Montana Code Annotated are repealed:

69-12-312. Class B motor carrier certificate.

Section 18. Effective date. [This act] is effective July 1, 2021.

Approved May 14, 2021

CHAPTER NO. 513

[HB 382]

AN ACT GENERALLY REVISING LAWS RELATED TO PROHIBITING THE USE OF EXPLODING TARGETS ON STATE LANDS AND WATERS DURING TIMES OF DANGEROUS FIRE CONDITIONS; DEFINING “EXPLODING TARGETS”; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.

Be it enacted by the Legislature of the State of Montana:

Section 1. Use of exploding targets prohibited – definition – penalty. (1) The use of exploding targets on properties managed pursuant to this title is prohibited when the department of natural resources and conservation determines that fire danger is high, very high, or extreme.

(2) For the purposes of this section, “exploding targets” means commercial targets that explode when impacted by a high-velocity projectile or targets created by combining components, including but not limited to ammonium nitrate and aluminum powder, that explode when impacted by a high-velocity projectile.

(3) A person convicted of a violation of this section is guilty of a misdemeanor and shall be fined not more than \$500 or be imprisoned in the county jail for not more than 6 months.

Section 2. Use of exploding targets prohibited – definition – penalty. (1) The use of exploding targets on properties managed pursuant to this title is prohibited when the department of natural resources and conservation determines that fire danger is high, very high, or extreme.

(2) For the purposes of this section, “exploding targets” means commercial targets that explode when impacted by a high-velocity projectile or targets created by combining components, including but not limited to ammonium nitrate and aluminum powder, that explode when impacted by a high-velocity projectile.

(3) A person convicted of a violation of this section is guilty of a misdemeanor and shall be fined not more than \$500 or be imprisoned in the county jail for not more than 6 months.

Section 3. Use of exploding targets prohibited – definition – penalty. (1) The use of exploding targets on properties managed pursuant to this title is prohibited when the department of natural resources and conservation determines that fire danger is high, very high, or extreme.

(2) For the purposes of this section, “exploding targets” means commercial targets that explode when impacted by a high-velocity projectile or targets created by combining components, including but not limited to ammonium nitrate and aluminum powder, that explode when impacted by a high-velocity projectile.

(3) A person convicted of a violation of this section is guilty of a misdemeanor and shall be fined not more than \$500 or be imprisoned in the county jail for not more than 6 months.

Section 4. Codification instruction. (1) [Section 1] is intended to be codified as an integral part of Title 23, chapter 1, part 1, and the provisions of Title 23, chapter 1, part 1, apply to [section 1].

(2) [Section 2] is intended to be codified as an integral part of Title 77, chapter 1, and the provisions of Title 77, chapter 1, apply to [section 2].

(3) [Section 3] is intended to be codified as an integral part of Title 87, chapter 1, part 1, and the provisions of Title 87, chapter 1, part 1, apply to [section 3].

Section 5. Effective date. [This act] is effective on passage and approval.

Approved May 14, 2021

CHAPTER NO. 514

[HB 403]

AN ACT PROVIDING FOR LAWS ADDRESSING EDUCATOR RECRUITMENT AND RETENTION PROBLEMS IN RURAL MONTANA AND INDIAN COUNTRY; ESTABLISHING A MULTIFACETED GROW YOUR OWN GRANT PROGRAM ADMINISTERED BY THE COMMISSIONER OF HIGHER EDUCATION TO STRENGTHEN TEACHER PIPELINES; PROVIDING AN APPROPRIATION; AND PROVIDING AN EFFECTIVE DATE AND A TERMINATION DATE.

WHEREAS, Montana's rural schools in general, and schools in Indian Country in particular, struggle to recruit and retain teachers; and

WHEREAS, "Grow Your Own" programs show great promise in addressing teacher shortages in rural areas; and

WHEREAS, having Indian teachers to teach Indian children will help close the achievement gap and help fulfill Montana's commitment in its educational goals for the preservation of Indian cultural integrity; and

WHEREAS, strengthening the teacher pipeline for Montana's rural reservation schools will require collaborative efforts between K-12 schools and institutions of higher education.

Be it enacted by the Legislature of the State of Montana:

Section 1. Grow your own grant program – administration.

(1) There is a grow your own grant program administered by the commissioner of higher education. The purpose of the grant program is to develop teacher pipelines aimed at serving rural and reservation school districts.

(2) (a) The grow your own grant program must involve:

(i) the opportunity for students to take dual credit courses in education while in high school;

(ii) the opportunity for students to engage in work-based learning opportunities in the field of education; and

(iii) collaboration between school districts and institutions of higher education in developing a career pathway for education.

(b) The grant program must allow and encourage small and proximate districts to collaborate in developing their grow your own grant programs.

(c) A school district is eligible for the program if the district has one or more schools impacted by a quality educator shortage.

(d) A school district that is eligible for a grant under this section may be awarded a grant for up to 2 years to develop a grow your own grant program.

(3) Contingent on appropriation by the legislature, the commissioner shall create and administer:

(a) a grant program for eligible school districts to develop a grow your own grant program that encourages students to pursue a career in teaching;

(b) a grant program for tribal colleges, community colleges, and 2-year campuses to:

(i) pursue accreditation for teacher preparation programs in the specific licensure or endorsement areas that are most impacted by quality educator shortages; or

(ii) develop collaborative programs with 4-year institutions with accredited teacher preparation programs in the specific licensure or endorsement areas that are most impacted by quality educator shortages, with an emphasis on collaborative programs that can be conducted in a manner that does not require residency at the 4-year institution; and

(c) a grow your own grant scholarship program that provides a last-dollar grant of up to \$5,000 a year, not to exceed the cost of attendance, and not to exceed \$10,000 total for any student, to students who:

(i) have participated in a grow your own grant program, as described in subsection (3)(a), while in high school and have earned at least 6 postsecondary credits toward an education degree or are living in a community with a school impacted by a quality educator shortage;

(ii) are currently enrolled in a teacher preparation program in a licensure or endorsement area identified as most impacted by quality educator shortages; and

(iii) commit to teaching in a school impacted by a quality educator shortage.

(4) The commissioner shall convert a grant under subsection (3)(c) to a loan if the recipient of the grant:

(i) is not licensed in a licensure or endorsement area identified as most impacted by quality educator shortages within 5 years of receiving a grant; or

(ii) does not teach for 3 or more years in a school impacted by a quality educator shortage and in a licensure or endorsement area identified as most impacted by quality educator shortages within 10 years of receiving a grant.

(5) The legislature intends that grants made to school districts and postsecondary institutions pursuant to subsections (3)(a) and (3)(b) are one-time startup grants that include:

(a) a matching component provided by the school district or postsecondary institution; and

(b) a plan by the school district or postsecondary institution to sustain programs beyond the term of the grant.

(6) In accordance with 5-11-210, the commissioner shall report annually to the education interim committee on the status and impacts of the grant programs described in this section.

(7) For purposes of this section, “quality educator shortage” means a shortage identified by the board of public education pursuant to 20-4-503.

Section 2. Appropriation. (1) There is appropriated \$1 from the general fund to the commissioner of higher education for the biennium beginning July 1, 2021, for the purposes of [section 1].

(2) The legislature intends that the appropriation in this section be considered a part of the ongoing base for the next legislative session.

Section 3. Notification to tribal governments. The secretary of state shall send a copy of [this act] to each federally recognized tribal government in Montana.

Section 4. Codification instruction. [Section 1] is intended to be codified as an integral part of Title 20, chapter 4, and the provisions of Title 20, chapter 4, apply to [section 1].

Section 5. Effective date. [This act] is effective July 1, 2021.

Section 6. Termination. [This act] terminates June 30, 2027.

Approved May 14, 2021

CHAPTER NO. 515

[HB 430]

AN ACT REVISING LIMITATIONS ON EMERGENCY POWERS; LIMITING THE ABILITY TO INTERFERE WITH THE COLLECTION OF RENT OR WITH ACTIONS FOR TERMINATION AND POSSESSION; AMENDING SECTION 10-3-102, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.

Be it enacted by the Legislature of the State of Montana:

Section 1. Section 10-3-102, MCA, is amended to read:

“10-3-102. Limitations. Parts 1 through 4 of this chapter may not be construed to give any state, local, or interjurisdictional agency or public official authority to:

(1) interfere with the course or conduct of a labor dispute, except that actions otherwise authorized by parts 1 through 4 of this chapter or other laws may be taken when necessary to forestall or mitigate imminent or existing danger to public health or safety;

(2) interfere with dissemination of news or comment on public affairs. However, any communications facility or organization, including but not limited to radio and television stations, wire services, and newspapers, may be required to transmit or print public service messages furnishing information or instructions in connection with an emergency or disaster.

(3) affect the jurisdiction or responsibilities of police forces, firefighting forces, units of the armed forces of the United States, or any personnel of those entities when on active duty, but state, local, and interjurisdictional disaster and emergency plans must place reliance upon the forces available for performance of functions related to emergencies and disasters; or

(4) limit, modify, or abridge the authority of the governor to proclaim martial law or exercise any other powers vested in the governor under the constitution, statutes, or common law of this state independent of or in conjunction with any provisions of parts 1 through 4 of this chapter; or

(5) *except in areas evacuated or subject to control of ingress pursuant to 10-3-104, and for no more than 60 days without legislative approval, interfere with the collection of rent or with actions for termination and possession pursuant to Title 70, chapter 24, part 4, chapter 27, or chapter 33.”*

Section 2. Effective date. [This act] is effective on passage and approval.

Approved May 14, 2021

CHAPTER NO. 516

[HB 435]

AN ACT GENERALLY REVISING CIVIL LIABILITY LAWS; SETTING CONDITIONS ON CIVIL ACTIONS FOR EXPOSURE TO COVID-19; LIMITING GOVERNMENT LIABILITY; LIMITING LIABILITY OF GOVERNMENT ENTITIES; LIMITING LIABILITY OF HEALTH CARE PROVIDERS; PROVIDING AN AFFIRMATIVE DEFENSE FOR THOSE WHO COMPLY WITH CERTAIN TYPES OF REGULATIONS; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND A TERMINATION DATE.

Be it enacted by the Legislature of the State of Montana:

Section 1. Definitions. As used in [sections 1 through 6], unless the context clearly indicates otherwise, the following definitions apply:

(1) “Covid-19” means the novel coronavirus identified as SARS-CoV-2, the disease caused by the novel coronavirus SARS-CoV-2 or a virus mutating from it, and conditions associated with the disease caused by the novel coronavirus SARS-CoV-2 or a virus mutating from it.

(2) “Government entity” means the state and political subdivisions, including but not limited to:

(a) political subdivisions as defined in 2-9-101(5);

(b) the legislature, legislative committees, and legislators acting in their official capacity; and

(c) employees of the state or a political subdivision.

(3) "Health care provider" means a health care professional, whether the health care professional works for a health care provider or a government health care provider, health care facility, home health care facility, assisted living facility, or any other person or facility otherwise authorized or permitted by any federal or state statute, regulation, order, or public health guidance to administer health care services or treatment.

(4) "Person" means an individual, corporation, nonprofit corporation, estate, trust, partnership, limited liability company, business or similar trust, association, joint venture, place of worship, personal representative, trustee, government entity, or any other legal or commercial entity.

(5) "Premises" includes any real property and any appurtenant building or structure, as well as any other location, vehicle, or place serving a commercial, residential, educational, religious, governmental, cultural, charitable, or health care purpose.

(6) "Public health guidance" includes guidance related to covid-19 issued by the following:

(a) the centers for disease control and prevention of the United States department of health and human services;

(b) the centers for medicare and medicaid services of the United States department of health and human services;

(c) the federal occupational safety and health administration;

(d) the office of the governor;

(e) a state agency, including the Montana department of public health and human services; or

(f) a local government, including a local government health department or local government board of health.

Section 2. Liability. Except as provided in [sections 3 through 6], a government entity is not liable for civil damages for injuries or death from or relating to exposure or potential exposure to covid-19 unless the civil action involves an act or omission that constitutes gross negligence, willful and wanton misconduct, or intentional tort.

Section 3. Duty of care -- limited liability. (1) A government entity that possesses or is in control of a premises, including a tenant, lessee, or occupant of a premises, who directly or indirectly invites or permits an individual onto a premises, is not liable for civil damages for injuries or death sustained from the individual's exposure to covid-19, whether the exposure occurs on a premises or during an activity managed by the person who possesses or is in control of a premises, unless the civil action involves an act or omission that constitutes gross negligence, willful and wanton misconduct, or intentional tort.

(2) The standard established in subsection (1) applies in landlord-tenant claims made under 70-24-303(1)(b) through (1)(e) for injuries or death sustained from an individual's exposure to covid-19.

(3) The standard established in subsection (1) is not violated by:

(a) a school district admitting students and up to six guests for each student to an extracurricular event including a graduation ceremony; or

(b) a school district or unit of the university system conducting in-person instruction or extracurricular activities.

Section 4. Liability of health care providers. A health care provider is not liable for civil damages for causing or contributing, directly or indirectly, to the death or injury of an individual as a result of the health care provider's acts or omissions while providing or arranging health care in support of the response to covid-19 unless the health care provider caused the death or injury

of an individual through an act or omission that constitutes gross negligence, willful and wanton misconduct, or an intentional tort. This section applies to:

(1) injury or death resulting from screening, assessing, diagnosing, caring for, or treating individuals with a suspected or confirmed case of covid-19;

(2) prescribing, administering, or dispensing a pharmaceutical for off-label use to treat a patient with a suspected or confirmed case of covid-19; or

(3) acts or omissions while providing health care to individuals with a condition unrelated to covid-19 when those acts or omissions support the response to covid-19, including the following:

(a) delaying or canceling nonurgent or elective dental, medical, or surgical procedures, or altering the diagnosis or treatment of an individual in response to a federal or state statute, regulation, order, or public health guidance;

(b) diagnosing or treating patients outside the normal scope of the health care provider's license or practice;

(c) using medical devices, equipment, or supplies outside of their normal use for the provision of health care, including using or modifying medical devices, equipment, or supplies for an unapproved use;

(d) conducting tests or providing treatment to an individual outside the premises of a health care facility;

(e) acts or omissions undertaken by a health care provider because of a lack of staffing, facilities, medical devices, equipment, supplies, or other resources attributable to covid-19 that renders the health care provider unable to provide the level or manner of care to a person that otherwise would have been required in the absence of covid-19; or

(f) acts or omissions undertaken by a health care provider relating to the use or nonuse of personal protective equipment.

Section 5. Affirmative defense – reasonable measures consistent with regulations, orders, and public health guidance. (1) In addition to all other defenses, a government entity may assert as an affirmative defense that the government entity took reasonable measures consistent with a federal or state statute, regulation, order, or public health guidance related to covid-19 that was applicable to the government entity or activity at issue at the time of the alleged injury, death, or property damage.

(2) If two or more sources of public health guidance are applicable, a government entity does not breach a duty of care if the person took reasonable measures consistent with one applicable set of public health guidance.

(3) If a government entity proves the affirmative defense contained in this section, the affirmative defense is a complete bar to any action relating to covid-19.

(4) This section may not be construed to impose liability on a government entity for failing to comply with a federal or state statute, regulation, order, or public health guidance related to covid-19.

Section 6. Limitation on requirements. (1) If a federal or state statute, regulation, order, or public health guidance related to covid-19 recommends or requires the use of a face mask, a government entity is not required to ensure face masks are being used or a face mask is sufficient to stop the spread of covid-19 to meet the standard of care.

(2) If a federal or state statute, regulation, order, or public health guidance related to covid-19 recommends or requires temperature checks, a government entity is not required to conduct a temperature check before allowing an individual to enter a premises if the individual refuses to allow the temperature check.

(3) If a federal or state statute, regulation, order, or public health guidance related to covid-19 recommends or requires a vaccine, an individual

is not required to receive a vaccine and a government entity is not required to ensure employees or agents are vaccinated to meet the standard of care.

Section 7. Codification instruction. [Sections 1 through 6] are intended to be codified as an integral part of Title 2, chapter 9, and the provisions of Title 2, chapter 9, apply to [sections 1 through 6].

Section 8. Saving clause. [This act] does not affect rights and duties that matured, penalties that were incurred, or proceedings that were begun before [the effective date of this act].

Section 9. Severability. If a part of [this act] is invalid, all valid parts that are severable from the invalid part remain in effect. If a part of [this act] is invalid in one or more of its applications, the part remains in effect in all valid applications that are severable from the invalid applications.

Section 10. Two-thirds vote required. Because [sections 2, 3, and 5] limit government liability, Article II, section 18, of the Montana constitution requires a vote of two-thirds of the members of each house of the legislature for passage.

Section 11. Effective date. [This act] is effective on passage and approval.

Section 12. Termination. [This act] terminates December 31, 2031.

Approved May 14, 2021

CHAPTER NO. 517

[HB 439]

AN ACT REVISING LANDLORD-TENANT LAWS; PROVIDING FOR ISSUANCE OF A WRIT OF ASSISTANCE AFTER A RENTAL AGREEMENT IS TERMINATED; AND AMENDING SECTION 70-24-427, MCA.

Be it enacted by the Legislature of the State of Montana:

Section 1. Section 70-24-427, MCA, is amended to read:

“70-24-427. Landlord’s remedies after termination – action for possession. (1) If the rental agreement is terminated, the landlord has a claim for possession and for rent and a separate claim for actual damages for any breach of the rental agreement.

(2) An action filed pursuant to subsection (1) in a court must be heard within 14 days after the tenant’s appearance or the answer date stated in the summons, except that if the rental agreement is terminated because of noncompliance under 70-24-321(3), the action must be heard within 5 business days after the tenant’s appearance or the answer date stated in the summons. If the action is appealed to the district court, the hearing must be held within 14 days after the case is transmitted to the district court, except that if the rental agreement is terminated because of noncompliance under 70-24-321(3), the hearing must be held within 5 business days after the case is transmitted to the district court.

(3) The landlord and tenant may stipulate to a continuance of the hearing beyond the time limit in subsection (2) without the necessity of an undertaking.

(4) In a landlord’s action for possession filed pursuant to subsection (1), the court shall rule on the action within 5 days after the hearing. If a landlord’s claim for possession is granted, the court shall issue a writ of possession *and a writ of assistance immediately. The writ of assistance must be executed by the sheriff:*

(a) *within 5 business days of the sheriff receiving the writ of assistance, excluding of the date of receipt by the sheriff; or*

(b) at a time no more than 5 business days after the sheriff receives the writ of assistance or as otherwise agreed to by the landlord and the sheriff.”

Approved May 14, 2021

CHAPTER NO. 518

[HB 444]

AN ACT GENERALLY REVISING LAWS RELATED TO SUBDIVISION SANITATION REVIEW; ALLOWING CERTAIN AGGREGATIONS OF PREVIOUSLY DIVIDED PARCELS TO BE EXEMPT FROM SANITATION REVIEW; AMENDING SECTION 76-4-125, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.

Be it enacted by the Legislature of the State of Montana:

Section 1. Section 76-4-125, MCA, is amended to read:

“76-4-125. Land divisions excluded from review. (1) A subdivision excluded from the provisions of chapter 3 must be submitted for review according to the provisions of this part, except that the following divisions or parcels, unless the exclusions are used to evade the provisions of this part, are not subject to review:

- (a) the exclusion cited in 76-3-201;
 - (b) divisions made for the purpose of acquiring additional land to become part of an approved parcel, provided that water or sewage disposal facilities may not be constructed on the additional acquired parcel and that the division does not fall within a previously platted or approved subdivision;
 - (c) divisions made for purposes other than the construction of water supply or sewage and solid waste disposal facilities as the department specifies by rule;
 - (d) as certified pursuant to 76-4-127;
 - (i) new divisions subject to review under the Montana Subdivision and Platting Act;
 - (ii) divisions or previously divided parcels recorded with sanitary restrictions; or
 - (iii) divisions or parcels of land that are exempt from the Montana Subdivision and Platting Act review under 76-3-203 or 76-3-207(1)(a), (1)(b), (1)(d), (1)(e), or (1)(f);
 - (e) subject to the provisions of subsection (2), a remainder of an original tract created by segregating a parcel from the tract for purposes of transfer if:
 - (i) the remainder is served by a public or multiple-user sewage system approved before January 1, 1997, pursuant to local regulations or this chapter; or
 - (ii) the remainder is 1 acre or larger and has an individual sewage system serving a discharge source that was in existence prior to April 29, 1993, and, if required when installed, the system was approved pursuant to local regulations or this chapter; and
 - ~~(f)~~ the sale of cabin or home sites as provided for and subject to the limitations in 77-2-318(2).
- (2) Consistent with the applicable provisions of 50-2-116, a local health officer may require that, prior to the filing of a plat or a certificate of survey subject to review under this part for the parcel to be segregated from the remainder referenced in subsection (1)(e)(ii), the remainder include acreage or features sufficient to accommodate a replacement drainfield.

(3) *At the request of the owner, the original certificate of subdivision approval shall be reissued for a parcel previously approved under this part if:*

(a) *the parcel was subsequently divided without review and approval under this part; and*

(b) *the unapproved parcels are aggregated to return to the original divided parcel as originally approved.”*

Section 2. Effective date. [This act] is effective on passage and approval.

Approved May 14, 2021

CHAPTER NO. 519

[HB 447]

AN ACT GENERALLY REVISING LAWS RELATED TO LEGISLATIVE OVERSIGHT OF ADMINISTRATIVE RULES; REQUIRING AN AGENCY TO SEND A COPY OF A PROPOSAL NOTICE TO THE APPROPRIATE ADMINISTRATIVE COMMITTEE WHEN IT SENDS THE NOTICE TO THE SECRETARY OF STATE FOR PUBLISHING; PROHIBITING THE ADOPTION OF RULES IN THE LAST QUARTER OF A YEAR BEFORE A LEGISLATIVE SESSION; PROVIDING EXCEPTIONS; REVISING RULEMAKING AUTHORITY; AMENDING SECTIONS 2-4-302 AND 2-4-305, MCA; AND PROVIDING AN APPLICABILITY DATE.

Be it enacted by the Legislature of the State of Montana:

Section 1. Section 2-4-302, MCA, is amended to read:

“2-4-302. Notice, hearing, and submission of views. (1) (a) Prior to the adoption, amendment, or repeal of any rule, the agency shall give written notice of its proposed action. The proposal notice must include a statement of either the terms or substance of the intended action or a description of the subjects and issues involved,; the reasonable necessity for the proposed action,; ~~and~~ and the time when, place where, and manner in which interested persons may present their views on the proposed action. ~~The reasonable necessity must be written in plain, easily understood language.~~ *The reasonable necessity must be written in plain, easily understood language.*

~~(b)(b)~~ (b) The agency shall state in the proposal notice the date on which and the manner in which contact was made with the primary sponsor as required in subsection ~~(2)(d)~~ (2)(e). If the notification to the primary sponsor was given by mail, the date stated in the proposal notice must be the date on which the notification was mailed by the agency. If the proposal notice fails to state the date on which and the manner in which the primary sponsor was contacted, the filing of the proposal notice under subsection ~~(2)(a)(i)~~ (2)(a) is ineffective for the purposes of this part and for the purposes of the law that the agency cites in the proposal notice as the authority for the proposed action.

(c) If the agency proposes to adopt, increase, or decrease a monetary amount that a person shall pay or will receive, such as a fee, cost, or benefit, the notice must include an estimate, if known, of:

(i) the cumulative amount for all persons of the proposed increase, decrease, or new amount; and

(ii) the number of persons affected.

(2) (a) (i) The proposal notice must be filed with the secretary of state for publication in the register, as provided in 2-4-312. *When the agency files the proposal notice with the secretary of state to prepare it for publication in the register, the agency shall concurrently send an electronic copy of the proposal*

notice to the appropriate administrative rule review committee. If the secretary of state requires formatting changes to the proposal notice before it may be published, the agency is not required to send another copy of the proposal notice to the committee. The requirement to concurrently send a copy of the proposal notice to the committee is fulfilled if the agency sends an electronic copy to each member of the staff of the appropriate rule review committee on the same day that the notice is filed with the secretary of state.

(b) (i) Except as provided in subsection ~~(2)(a)(i)~~ (2)(b)(ii), within 3 days of publication, a copy of the published proposal notice must be sent to interested persons who have made timely requests to the agency to be informed of its rulemaking proceedings, and to the office of any professional, trade, or industrial society or organization or member of those entities who has filed a request with the appropriate administrative rule review committee when the request has been forwarded to the agency as provided in subsection ~~(2)(b)~~ (2)(c).

(ii) In lieu of sending a copy of the published proposal notice to an interested person who has requested the notice, the agency may, with the consent of that person, send that person an electronic notification that the proposal notice is available on the agency's website and an electronic link to the part of the agency's website or a description of the means of locating that part of the agency's website where the notice is available.

(iii) Each agency shall create and maintain a list of interested persons and the subject or subjects in which each person on the list is interested. A person who submits a written comment or attends a hearing in regard to proposed agency action under this part must be informed of the list by the agency. An agency complies with this subsection ~~(2)(b)(iii)~~ if it includes in the proposal notice an advisement explaining how persons may be placed on the list of interested persons and if it complies with subsection (7).

~~(b)(c)~~ The appropriate administrative rule review committee shall forward a list of all organizations or persons who have submitted a request to be informed of agency actions to the agencies that the committee oversees that publish rulemaking notices in the register. The list must be amended by the agency upon request of any person requesting to be added to or deleted from the list.

~~(c)(d)~~ The proposal notice required by subsection (1) must be published at least 30 days in advance of the agency's proposed action. The agency shall post the proposal notice on a state electronic access system or other electronic communications system available to the public.

~~(d)(e)~~ (i) When an agency begins to work on the substantive content and the wording of a proposal notice for a rule that initially implements legislation, the agency shall contact, as provided in subsection (8), the legislator who was the primary sponsor of the legislation to:

(A) obtain the legislator's comments;

(B) inform the legislator of the known dates by which each step of the rulemaking process must be completed; and

(C) provide the legislator with information about the time periods during which the legislator may comment on the proposed rules, including the opportunity to provide comment to the appropriate administrative rule review committee.

(ii) If the legislation affected more than one program, the primary sponsor must be contacted pursuant to this subsection ~~(2)(d)~~ (2)(e) each time that a rule is being proposed to initially implement the legislation for a program.

(iii) Within 3 days after a proposal notice covered under subsection ~~(2)(d)(i)~~ (2)(e)(i) has been published as required in subsection ~~(2)(a)(i)~~ (2)(a), a copy of

the published notice must be sent to the primary sponsor contacted under this subsection ~~(2)(d)~~ (2)(e).

(3) If a statute provides for a method of publication different from that provided in subsection (2), the affected agency shall comply with the statute in addition to the requirements contained in this section. However, the notice period may not be less than 30 days or more than 6 months.

(4) Prior to the adoption, amendment, or repeal of any rule, the agency shall afford interested persons at least 20 days' notice of a hearing and at least 28 days from the day of the original notice to submit data, views, or arguments, orally or in writing. If an amended or supplemental notice is ~~filed~~ *filed*, additional time may be allowed for oral or written submissions. In the case of substantive rules, the notice of proposed rulemaking must state that opportunity for oral hearing must be granted if requested by either 10% or 25, whichever is less, of the persons who will be directly affected by the proposed rule, by a governmental subdivision or agency, by the appropriate administrative rule review committee, or by an association having not less than 25 members who will be directly affected. If the proposed rulemaking involves matters of significant interest to the public, the agency shall schedule an oral hearing.

(5) An agency may continue a hearing date for cause. In the discretion of the agency, contested case procedures need not be followed in hearings held pursuant to this section. If a hearing is otherwise required by statute, nothing in this section alters that requirement.

(6) If an agency fails to publish a notice of adoption within the time required by 2-4-305(7) and the agency again proposes the same rule for adoption, amendment, or repeal, the proposal must be considered a new proposal for purposes of compliance with this chapter.

(7) At the commencement of a hearing on the intended action, the person designated by the agency to preside at the hearing shall:

(a) read aloud the "Notice of Function of Administrative Rule Review Committee" appearing in the register; and

(b) inform the persons at the hearing of the provisions of subsection ~~(2)(a)~~ (2)(b) and provide them an opportunity to place their names on the list.

(8) (a) For purposes of contacting primary sponsors under subsection ~~(2)(d)~~ (2)(e), a current or former legislator who wishes to receive notice shall keep the current or former legislator's name, address, e-mail address, and telephone number on file with the secretary of state. The secretary of state may also use legislator contact information provided by the legislative services division for the purposes of the register. The secretary of state shall update the contact information whenever the secretary of state receives corrected information from the legislator or the legislative services division. An agency proposing rules shall consult the register when providing sponsor contact.

(b) An agency has complied with the primary bill sponsor contact requirements of this section when the agency has attempted to reach the primary bill sponsor at the legislator's address, e-mail address, and telephone number on file with the secretary of state pursuant to subsection (8)(a). If the agency is able to contact the primary sponsor by using less than all of these three methods of contact, the other methods need not be used.

(9) This section applies to the department of labor and industry adopting a rule relating to a commercial drug formulary as provided in 39-71-704. This section does not apply to the automatic updating of department of labor and industry rules relating to commercial drug formularies as provided in 39-71-704."

Section 2. Section 2-4-305, MCA, is amended to read:

“2-4-305. Requisites for validity – authority and statement of reasons. (1) (a) The agency shall fully consider written and oral submissions respecting the proposed rule, including comments submitted by the primary sponsor of the legislation prior to the drafting of the substantive content and wording of a proposed rule that initially implements legislation.

(b) (i) Upon adoption of a rule, an agency shall issue a concise statement of the principal reasons for and against its adoption, incorporating in the statement the reasons for overruling the considerations urged against its adoption. If substantial differences exist between the rule as proposed and as adopted and the differences have not been described or set forth in the adopted rule as that rule is published in the register, the differences must be described in the statement of reasons for and against agency action. When written or oral submissions have not been received, an agency may omit the statement of reasons.

(ii) If an adopted rule that initially implements legislation does not reflect the comments submitted by the primary sponsor, the agency shall provide a statement explaining why the sponsor's comments were not incorporated into the adopted rule.

(2) Rules may not unnecessarily repeat statutory language. Whenever it is necessary to refer to statutory language in order to convey the meaning of a rule interpreting the language, the reference must clearly indicate the portion of the language that is statutory and the portion that is an amplification of the language.

(3) Each proposed and adopted rule must include a citation to the specific grant of rulemaking authority pursuant to which the rule or any part of the rule is adopted. In addition, each proposed and adopted rule must include a citation to the specific section or sections in the Montana Code Annotated that the rule purports to implement. A substantive rule may not be proposed or adopted unless:

(a) a statute granting the agency authority to adopt rules clearly and specifically lists the subject matter of the rule as a subject upon which the agency shall or may adopt rules; or

(b) the rule implements and relates to a subject matter or an agency function that is clearly and specifically included in a statute to which the grant of rulemaking authority extends.

(4) Each rule that is proposed and adopted by an agency and that implements a policy of a governing board or commission must include a citation to and description of the policy implemented. Each agency rule implementing a policy and the policy itself must be based on legal authority and otherwise comply with the requisites for validity of rules established by this chapter.

(5) To be effective, each substantive rule adopted must be within the scope of authority conferred and in accordance with standards prescribed by other provisions of law.

(6) Whenever by the express or implied terms of any statute a state agency has authority to adopt rules to implement, interpret, make specific, or otherwise carry out the provisions of the statute, an adoption, amendment, or repeal of a rule is not valid or effective unless it is:

(a) consistent and not in conflict with the statute; and

(b) reasonably necessary to effectuate the purpose of the statute. A statute mandating that the agency adopt rules establishes the necessity for rules but does not, standing alone, constitute reasonable necessity for a rule. The agency shall also address the reasonableness component of the reasonable necessity requirement by, as indicated in 2-4-302(1) and subsection (1) of this

section, stating the principal reasons and the rationale for its intended action and for the particular approach that it takes in complying with the mandate to adopt rules. Subject to the provisions of subsection (8), reasonable necessity must be clearly and thoroughly demonstrated for each adoption, amendment, or repeal of a rule in the agency's ~~notice~~ *notice* of proposed rulemaking and in the written and oral data, views, comments, or testimony submitted by the public or the agency and considered by the agency. A statement that merely explains what the rule provides is not a statement of the reasonable necessity for the rule.

(7) A rule is not valid unless notice of it is given and it is adopted in substantial compliance with 2-4-302, 2-4-303, or 2-4-306 and this section, ~~and~~ unless notice of adoption of the rule is published within 6 months of the publishing of notice of the proposed rule, *and unless the adoption is in compliance with the prohibitions of subsection (11)*. The measure of whether an agency has adopted a rule in substantial compliance with 2-4-302, 2-4-303, or 2-4-306 and this section is not whether the agency has provided notice of the proposed rule, standing alone, but rather must be based on an analysis of the agency's substantial compliance with 2-4-302, 2-4-303, or 2-4-306 and this section. If an amended or supplemental notice of either proposed or final rulemaking, or both, is published concerning the same rule, the 6-month limit must be determined with reference to the latest notice in all cases.

(8) (a) An agency may use an amended proposal notice or the adoption notice to correct deficiencies in citations of authority for rules and in citations of sections implemented by rules.

(b) An agency may use an amended proposal notice but, except for clerical corrections, may not use the adoption notice to correct deficiencies in a statement of reasonable necessity.

(c) If an agency uses an amended proposal notice to amend a statement of reasonable necessity for reasons other than for corrections in citations of authority, in citations of sections being implemented, or of a clerical nature, the agency shall allow additional time for oral or written comments from the same interested persons who were notified of the original proposal notice, including from a primary sponsor, if primary sponsor notification was required under 2-4-302, and from any other person who offered comments or appeared at a hearing already held on the proposed rule.

(9) If a majority of the members of the appropriate administrative rule review committee notify the committee presiding officer that those members object to all or a portion of a notice of proposed rulemaking, the committee shall notify the agency in writing that the committee objects to all or a portion of the proposal notice and will address the objections at the next committee meeting. Following notice by the committee to the agency, all or a portion of the proposal notice that the committee objects to may not be adopted until publication of the last issue of the register that is published before expiration of the 6-month period during which the adoption notice must be published, unless prior to that time, the committee meets and does not make the same objection. A copy of the committee's notification to the agency must be included in the committee's records.

(10) This section applies to the department of labor and industry adopting a rule relating to a commercial drug formulary as provided in 39-71-704. This section does not apply to the automatic updating of department of labor and industry rules relating to commercial drug formularies as provided in 39-71-704.

(11) (a) *In the year preceding the year in which the legislature meets in regular session, an agency may not adopt a rule between October 1 through the end of the year.*

(b) *This subsection (11) does not apply to:*

(i) *an emergency rule adopted under 2-4-303; or*

(ii) *a rule adopted for implementation of a program or policy if the unavailability of information, guidance, or notice precluded adoption of the rule before October 1. A rule may only be exempted under this subsection (11)(b)(ii) if the notice required under 2-4-302(1)(a) provides a statement explaining why the unavailability of information, guidance, or notice precluded adoption of the rule before October 1.”*

Section 3. Applicability. (1) [Section 1] applies to rule proposals filed with the secretary of state on or after [the effective date of this act].

(2) [Section 2] applies to rule proposals published in the register as required by 2-4-302 on or after [the effective date of this act]. [Section 2] does not apply to rule proposals published in the register prior to [the effective date of this act], even if the rule is subject to a final adoption on or after [the effective date of this act].

Approved May 14, 2021

CHAPTER NO. 520

[HB 459]

AN ACT GENERALLY REVISING LAWS RELATED TO PROVIDING FOR CERTIFICATION OF CHILD PROTECTION SPECIALISTS INVESTIGATING MATTERS OF SUSPECTED CHILD ABUSE, NEGLECT, OR ENDANGERMENT; PROVIDING IMPLEMENTATION INSTRUCTIONS; PROVIDING RULEMAKING AUTHORITY; PROVIDING DEFINITIONS; AND AMENDING SECTIONS 41-3-102, 41-3-108, 41-3-201, 41-3-202, 41-3-205, 41-3-301, 41-3-427, AND 41-3-445, MCA.

Be it enacted by the Legislature of the State of Montana:

Section 1. Certification required for use of title – exceptions.

(1) On certification in accordance with [sections 1 through 4], a person may use the title “certified child protection specialist”.

(2) Subsection (1) does not prohibit a qualified member of another profession, such as a law enforcement officer, lawyer, psychologist, pastoral counselor, probation officer, court employee, nurse, school counselor, educator, baccalaureate, master’s, or clinical social worker licensed pursuant to Title 37, chapter 22, clinical professional counselor licensed pursuant to Title 37, chapter 23, addiction counselor licensed pursuant to Title 37, chapter 35, or marriage and family therapist licensed pursuant to Title 37, chapter 37, from performing duties and services consistent with the person’s licensure or certification and the code of ethics of the person’s profession.

(3) Subsection (1) does not prohibit a qualified member of another profession, business, educational program, or volunteer organization who is not licensed or certified or for whom there is no applicable code of ethics, including a guardian ad litem, child advocate, or law enforcement officer, from performing duties and services consistent with the person’s training, as long as the person does not represent by title that the person is a certified child protection specialist.

Section 2. Certificate requirements – supervision – fees. (1) An applicant for certification as a child protection specialist shall:

(a) successfully complete a course in child protection, as defined by the department by rule, which must include training in:

- (i) ethics;
- (ii) governing statutory and regulatory framework;
- (iii) role of law enforcement;
- (iv) crisis intervention techniques;
- (v) childhood trauma research;
- (vi) evidence-based practices for family preservation and strengthening;

and

(vii) the provisions of the Indian Child Welfare Act, 25 U.S.C. 1902, et seq.; and

(b) demonstrate the applicant's ability to perform all essential functions of the certified child protection role by earning a passing score on a competency examination developed pursuant to [section 4].

(2) As a prerequisite to the issuance of a certificate, the department shall require the applicant to submit fingerprints for the purpose of fingerprint background checks by the Montana department of justice and the federal bureau of investigation as provided in 37-1-307.

(3) An applicant who has a history of criminal convictions has the opportunity to demonstrate to the department that the applicant is sufficiently rehabilitated to warrant the public trust. The department may deny the certificate if it determines that the applicant is not sufficiently rehabilitated.

Section 3. Certificate renewal – continuing education. (1) A certified child protection specialist shall renew the specialist's certification annually using a process specified by department rule, which must include proof of completion of at least 20 hours of continuing education developed or approved by the department.

(2) The continuing education may include any topic listed in subsection (1) of [section 2] and must include at least one unit focused on:

- (a) ethics; and
- (b) recent developments in governing law or rule.

Section 4. Implementation of certification requirement for child protection specialists. (1) (a) The department shall engage and collaborate with an external organization to develop a child welfare certification and training program, including a competency examination, that must be an ongoing component of the department's child welfare work.

(b) The program and examination must be reevaluated every 2 years to ensure that they:

- (i) reflect current trends, research, and developments in the law; and
- (ii) promote evidence-based or evidence-informed practices.

(2) A person hired by the department for a child-facing position after [the effective date of this act] shall become a certified child protection specialist pursuant to [sections 1 through 4] within 1 year of the date of hire.

(3) A person already employed by the department in a child-facing position before [the effective date of this act] shall obtain child protection specialist certification pursuant to [sections 1 through 4] by October 1, 2023.

(4) For the purpose of this section, "child-facing position" means an employee role under this chapter that involves regular interaction with minors, including but not limited to investigating reports of child abuse, neglect, or endangerment.

Section 5. Section 41-3-102, MCA, is amended to read:

“41-3-102. Definitions. As used in this chapter, the following definitions apply:

(1) (a) “Abandon”, “abandoned”, and “abandonment” mean:

(i) leaving a child under circumstances that make reasonable the belief that the parent does not intend to resume care of the child in the future;

(ii) willfully surrendering physical custody for a period of 6 months and during that period not manifesting to the child and the person having physical custody of the child a firm intention to resume physical custody or to make permanent legal arrangements for the care of the child;

(iii) that the parent is unknown and has been unknown for a period of 90 days and that reasonable efforts to identify and locate the parent have failed; or

(iv) the voluntary surrender, as defined in 40-6-402, by a parent of a newborn who is no more than 30 days old to an emergency services provider, as defined in 40-6-402.

(b) The terms do not include the voluntary surrender of a child to the department solely because of parental inability to access publicly funded services.

(2) “A person responsible for a child’s welfare” means:

(a) the child’s parent, guardian, or foster parent or an adult who resides in the same home in which the child resides;

(b) a person providing care in a day-care facility;

(c) an employee of a public or private residential institution, facility, home, or agency; or

(d) any other person responsible for the child’s welfare in a residential setting.

(3) “Abused or neglected” means the state or condition of a child who has suffered child abuse or neglect.

(4) (a) “Adequate health care” means any medical care or nonmedical remedial health care recognized by an insurer licensed to provide disability insurance under Title 33, including the prevention of the withholding of medically indicated treatment or medically indicated psychological care permitted or authorized under state law.

(b) This chapter may not be construed to require or justify a finding of child abuse or neglect for the sole reason that a parent or legal guardian, because of religious beliefs, does not provide adequate health care for a child. However, this chapter may not be construed to limit the administrative or judicial authority of the state to ensure that medical care is provided to the child when there is imminent substantial risk of serious harm to the child.

(5) “Best interests of the child” means the physical, mental, and psychological conditions and needs of the child and any other factor considered by the court to be relevant to the child.

(6) “Child” or “youth” means any person under 18 years of age.

(7) (a) “Child abuse or neglect” means:

(i) actual physical or psychological harm to a child;

(ii) substantial risk of physical or psychological harm to a child; or

(iii) abandonment.

(b) (i) The term includes:

(A) actual physical or psychological harm to a child or substantial risk of physical or psychological harm to a child by the acts or omissions of a person responsible for the child’s welfare;

(B) exposing a child to the criminal distribution of dangerous drugs, as prohibited by 45-9-101, the criminal production or manufacture of dangerous

drugs, as prohibited by 45-9-110, or the operation of an unlawful clandestine laboratory, as prohibited by 45-9-132; or

(C) any form of child sex trafficking or human trafficking.

(ii) For the purposes of this subsection (7), “dangerous drugs” means the compounds and substances described as dangerous drugs in Schedules I through IV in Title 50, chapter 32, part 2.

(c) In proceedings under this chapter in which the federal Indian Child Welfare Act is applicable, this term has the same meaning as “serious emotional or physical damage to the child” as used in 25 U.S.C. 1912(f).

(d) The term does not include self-defense, defense of others, or action taken to prevent the child from self-harm that does not constitute physical or psychological harm to a child.

(8) *“Child protection specialist” means an employee of the department who investigates allegations of child abuse, neglect, and endangerment and has been certified pursuant to [section 1].*

(8)(9) “Concurrent planning” means to work toward reunification of the child with the family while at the same time developing and implementing an alternative permanent plan.

(9)(10) “Department” means the department of public health and human services provided for in 2-15-2201.

(10)(11) “Family group decisionmaking meeting” means a meeting that involves family members in either developing treatment plans or making placement decisions, or both.

(11)(12) “Indian child” means any unmarried person who is under 18 years of age and who is either:

(a) a member of an Indian tribe; or

(b) eligible for membership in an Indian tribe and is the biological child of a member of an Indian tribe.

(12)(13) “Indian child’s tribe” means:

(a) the Indian tribe in which an Indian child is a member or eligible for membership; or

(b) in the case of an Indian child who is a member of or eligible for membership in more than one Indian tribe, the Indian tribe with which the Indian child has the more significant contacts.

(13)(14) “Indian custodian” means any Indian person who has legal custody of an Indian child under tribal law or custom or under state law or to whom temporary physical care, custody, and control have been transferred by the child’s parent.

(14)(15) “Indian tribe” means any Indian tribe, band, nation, or other organized group or community of Indians recognized by:

(a) the state of Montana; or

(b) the United States secretary of the interior as being eligible for the services provided to Indians or because of the group’s status as Indians, including any Alaskan native village as defined in federal law.

(15)(16) “Limited emancipation” means a status conferred on a youth by a court in accordance with 41-1-503 under which the youth is entitled to exercise some but not all of the rights and responsibilities of a person who is 18 years of age or older.

(16)(17) “Parent” means a biological or adoptive parent or stepparent.

(17)(18) “Parent-child legal relationship” means the legal relationship that exists between a child and the child’s birth or adoptive parents, as provided in Title 40, chapter 6, part 2, unless the relationship has been terminated by competent judicial decree as provided in 40-6-234, Title 42, or part 6 of this chapter.

(18)(19) “Permanent placement” means reunification of the child with the child’s parent, adoption, placement with a legal guardian, placement with a fit and willing relative, or placement in another planned permanent living arrangement until the child reaches 18 years of age.

(19)(20) “Physical abuse” means an intentional act, an intentional omission, or gross negligence resulting in substantial skin bruising, internal bleeding, substantial injury to skin, subdural hematoma, burns, bone fractures, extreme pain, permanent or temporary disfigurement, impairment of any bodily organ or function, or death.

(20)(21) “Physical neglect” means either failure to provide basic necessities, including but not limited to appropriate and adequate nutrition, protective shelter from the elements, and appropriate clothing related to weather conditions, or failure to provide cleanliness and general supervision, or both, or exposing or allowing the child to be exposed to an unreasonable physical or psychological risk to the child.

(21)(22) (a) “Physical or psychological harm to a child” means the harm that occurs whenever the parent or other person responsible for the child’s welfare:

(i) inflicts or allows to be inflicted upon the child physical abuse, physical neglect, or psychological abuse or neglect;

(ii) commits or allows sexual abuse or exploitation of the child;

(iii) induces or attempts to induce a child to give untrue testimony that the child or another child was abused or neglected by a parent or other person responsible for the child’s welfare;

(iv) causes malnutrition or a failure to thrive or otherwise fails to supply the child with adequate food or fails to supply clothing, shelter, education, or adequate health care, though financially able to do so or offered financial or other reasonable means to do so;

(v) exposes or allows the child to be exposed to an unreasonable risk to the child’s health or welfare by failing to intervene or eliminate the risk; or

(vi) abandons the child.

(b) The term does not include a youth not receiving supervision solely because of parental inability to control the youth’s behavior.

(22)(23) (a) “Protective services” means services provided by the department:

(i) to enable a child alleged to have been abused or neglected to remain safely in the home;

(ii) to enable a child alleged to have been abused or neglected who has been removed from the home to safely return to the home; or

(iii) to achieve permanency for a child adjudicated as a youth in need of care when circumstances and the best interests of the child prevent reunification with parents or a return to the home.

(b) The term includes emergency protective services provided pursuant to 41-3-301, voluntary protective services provided pursuant to 41-3-302, and court-ordered protective services provided pursuant to parts 4 and 6 of this chapter.

(23)(24) (a) “Psychological abuse or neglect” means severe maltreatment through acts or omissions that are injurious to the child’s emotional, intellectual, or psychological capacity to function, including the commission of acts of violence against another person residing in the child’s home.

(b) The term may not be construed to hold a victim responsible for failing to prevent the crime against the victim.

(24)(25) “Qualified expert witness” as used in cases involving an Indian child in proceedings subject to the federal Indian Child Welfare Act means:

(a) a member of the Indian child’s tribe who is recognized by the tribal community as knowledgeable in tribal customs as they pertain to family organization and child-rearing practices;

(b) a lay expert witness who has substantial experience in the delivery of child and family services to Indians and extensive knowledge of prevailing social and cultural standards and child-rearing practices within the Indian child’s tribe; or

(c) a professional person who has substantial education and experience in providing services to children and families and who possesses significant knowledge of and experience with Indian culture, family structure, and child-rearing practices in general.

(25)(26) “Reasonable cause to suspect” means cause that would lead a reasonable person to believe that child abuse or neglect may have occurred or is occurring, based on all the facts and circumstances known to the person.

(26)(27) “Residential setting” means an out-of-home placement where the child typically resides for longer than 30 days for the purpose of receiving food, shelter, security, guidance, and, if necessary, treatment.

(27)(28) “Safety and risk assessment” means an evaluation by a ~~social worker~~ *child protection specialist* following an initial report of child abuse or neglect to assess the following:

(a) the existing threat or threats to the child’s safety;

(b) the protective capabilities of the parent or guardian;

(c) any particular vulnerabilities of the child;

(d) any interventions required to protect the child; and

(e) the likelihood of future physical or psychological harm to the child.

(28)(29) (a) “Sexual abuse” means the commission of sexual assault, sexual intercourse without consent, aggravated sexual intercourse without consent, indecent exposure, sexual abuse, ritual abuse of a minor, or incest, as described in Title 45, chapter 5.

(b) Sexual abuse does not include any necessary touching of an infant’s or toddler’s genital area while attending to the sanitary or health care needs of that infant or toddler by a parent or other person responsible for the child’s welfare.

(29)(30) “Sexual exploitation” means:

(a) allowing, permitting, or encouraging a child to engage in a prostitution offense, as described in 45-5-601 through 45-5-603;

(b) allowing, permitting, or encouraging sexual abuse of children as described in 45-5-625; or

(c) allowing, permitting, or encouraging sexual servitude as described in 45-5-704 or 45-5-705.

(30) (a) “Social worker” means an employee of the department who, before the employee’s field assignment, has been educated or trained in a program of social work or a related field that includes cognitive and family systems treatment or who has equivalent verified experience or verified training in the investigation of child abuse, neglect, and endangerment.

(b) This definition does not apply to any provision of this code that is not in this chapter.

(31) “Treatment plan” means a written agreement between the department and the parent or guardian or a court order that includes action that must be taken to resolve the condition or conduct of the parent or guardian that resulted in the need for protective services for the child. The treatment plan

may involve court services, the department, and other parties, if necessary, for protective services.

(32) (a) "Withholding of medically indicated treatment" means the failure to respond to an infant's life-threatening conditions by providing treatment, including appropriate nutrition, hydration, and medication, that, in the treating physician's or physicians' reasonable medical judgment, will be most likely to be effective in ameliorating or correcting the conditions.

(b) The term does not include the failure to provide treatment, other than appropriate nutrition, hydration, or medication, to an infant when, in the treating physician's or physicians' reasonable medical judgment:

(i) the infant is chronically and irreversibly comatose;

(ii) the provision of treatment would:

(A) merely prolong dying;

(B) not be effective in ameliorating or correcting all of the infant's life-threatening conditions; or

(C) otherwise be futile in terms of the survival of the infant; or

(iii) the provision of treatment would be virtually futile in terms of the survival of the infant and the treatment itself under the circumstances would be inhumane. For purposes of this subsection (32), "infant" means an infant less than 1 year of age or an infant 1 year of age or older who has been continuously hospitalized since birth, who was born extremely prematurely, or who has a long-term disability. The reference to less than 1 year of age may not be construed to imply that treatment should be changed or discontinued when an infant reaches 1 year of age or to affect or limit any existing protections available under state laws regarding medical neglect of children 1 year of age or older.

(33) "Youth in need of care" means a youth who has been adjudicated or determined, after a hearing, to be or to have been abused, neglected, or abandoned."

Section 6. Section 41-3-108, MCA, is amended to read:

"41-3-108. Child protective teams. The county attorney, county commissioners, guardian ad litem, or department may convene one or more temporary or permanent interdisciplinary child protective teams. These teams may assist in assessing the needs of, formulating and monitoring a treatment plan for, and coordinating services to the child and the child's family. The supervisor of child protective services in a local service area or the supervisor's designee shall serve as the team's coordinator. Members must include:

(1) a ~~social worker~~ *child protection specialist*;

(2) a member of a local law enforcement agency;

(3) a representative of the medical profession;

(4) a representative of a public school system;

(5) a county attorney; and

(6) if an Indian child or children are involved, someone, preferably an Indian person, knowledgeable about Indian culture and family matters."

Section 7. Section 41-3-201, MCA, is amended to read:

"41-3-201. Reports. (1) When the professionals and officials listed in subsection (2) know or have reasonable cause to suspect, as a result of information they receive in their professional or official capacity, that a child is abused or neglected by anyone regardless of whether the person suspected of causing the abuse or neglect is a parent or other person responsible for the child's welfare, they shall report the matter promptly to the department of public health and human services.

- (2) Professionals and officials required to report are:
- (a) a physician, resident, intern, or member of a hospital's staff engaged in the admission, examination, care, or treatment of persons;
 - (b) a nurse, osteopath, chiropractor, podiatrist, medical examiner, coroner, dentist, optometrist, or any other health or mental health professional;
 - (c) religious healers;
 - (d) school teachers, other school officials, and employees who work during regular school hours;
 - (e) a social worker *licensed pursuant to Title 37, child protection specialist*, operator or employee of any registered or licensed day-care or substitute care facility, staff of a resource and referral grant program organized under 52-2-711 or of a child and adult food care program, or an operator or employee of a child-care facility;
 - (f) a foster care, residential, or institutional worker;
 - (g) a peace officer or other law enforcement official;
 - (h) a member of the clergy, as defined in 15-6-201(2)(b);
 - (i) a guardian ad litem or a court-appointed advocate who is authorized to investigate a report of alleged abuse or neglect;
 - (j) an employee of an entity that contracts with the department to provide direct services to children; and
 - (k) an employee of the department while in conduct of the employee's duties.
- (3) A professional listed in subsection (2)(a) or (2)(b) involved in the delivery or care of an infant shall report to the department any infant known to the professional to be affected by a dangerous drug, as defined in 50-32-101.
- (4) Any person may make a report under this section if the person knows or has reasonable cause to suspect that a child is abused or neglected.
- (5) (a) When a professional or official required to report under subsection (2) makes a report, the department may share information with:
- (i) that professional or official;
 - (ii) other individuals with whom the professional or official works in an official capacity if the individuals are part of a team that responds to matters involving the child or the person about whom the report was made and the professional or official has asked that the information be shared with the individuals; or
 - (iii) the child abuse and neglect review commission established in 2-15-2019.
- (b) The department may provide information in accordance with 41-3-202(8) and also share information about the investigation, limited to its outcome and any subsequent action that will be taken on behalf of the child who is the subject of the report.
- (c) Individuals who receive information pursuant to this subsection (5) shall maintain the confidentiality of the information as required by 41-3-205.
- (6) (a) Except as provided in subsection (6)(b) or (6)(c), a person listed in subsection (2) may not refuse to make a report as required in this section on the grounds of a physician-patient or similar privilege.
- (b) A member of the clergy or a priest is not required to make a report under this section if:
- (i) the knowledge or suspicion of the abuse or neglect came from a statement or confession made to the member of the clergy or the priest in that person's capacity as a member of the clergy or as a priest;
 - (ii) the statement was intended to be a part of a confidential communication between the member of the clergy or the priest and a member of the church or congregation; and

(iii) the person who made the statement or confession does not consent to the disclosure by the member of the clergy or the priest.

(c) A member of the clergy or a priest is not required to make a report under this section if the communication is required to be confidential by canon law, church doctrine, or established church practice.

(7) The reports referred to under this section must contain:

(a) the names and addresses of the child and the child's parents or other persons responsible for the child's care;

(b) to the extent known, the child's age and the nature and extent of the child's injuries, including any evidence of previous injuries;

(c) any other information that the maker of the report believes might be helpful in establishing the cause of the injuries or showing the willful neglect and the identity of the person or persons responsible for the injury or neglect; and

(d) the facts that led the person reporting to believe that the child has suffered injury or injuries or willful neglect, within the meaning of this chapter. (Subsection (5)(a)(iii) terminates September 30, 2021--sec. 12, Ch. 235, L. 2017.)"

Section 8. Section 41-3-202, MCA, is amended to read:

"41-3-202. Action on reporting. (1) (a) Upon receipt of a report that a child is or has been abused or neglected, the department shall promptly assess the information contained in the report and make a determination regarding the level of response required and the timeframe within which action must be initiated.

(b) (i) Except as provided in subsection (1)(b)(ii), upon receipt of a report that includes an allegation of sexual abuse or sexual exploitation or if the department determines during any investigation that the circumstances surrounding an allegation of child abuse or neglect include an allegation of sexual abuse or sexual exploitation, the department shall immediately report the allegation to the county attorney of the county in which the acts that are the subject of the report occurred.

(ii) If a victim of sexual abuse or sexual exploitation has attained the age of 14 and has sought services from a contractor as described in 41-3-201(2)(j) that provides confidential services to victims of sexual assault, conditioned upon an understanding that the criminal conduct will not be reported by the department to the county attorney in the jurisdiction in which the alleged crime occurred, the department may not report pursuant to 41-3-205(5)(d) and subsection (1)(b)(i) of this section.

(c) If the department determines that an investigation and a safety and risk assessment are required, a ~~social worker~~ *child protection specialist* shall promptly conduct a thorough investigation into the circumstances surrounding the allegations of abuse or neglect of the child and perform a safety and risk assessment to determine whether the living arrangement presents an unsafe environment for the child. The safety and risk assessment may include an investigation at the home of the child involved, the child's school or day-care facility, or any other place where the child is present and into all other nonfinancial matters that in the discretion of the investigator are relevant to the safety and risk assessment. In conducting a safety and risk assessment under this section, a ~~social worker~~ *child protection specialist* may not inquire into the financial status of the child's family or of any other person responsible for the child's care, except as necessary to ascertain eligibility for state or federal assistance programs or to comply with the provisions of 41-3-446.

(2) An initial investigation of alleged abuse or neglect may be conducted when an anonymous report is received. However, if the initial investigation does

not within 48 hours result in the development of independent, corroborative, and attributable information indicating that there exists a current risk of physical or psychological harm to the child, a child may not be removed from the living arrangement. If independent, corroborative, and attributable information indicating an ongoing risk results from the initial investigation, the department shall then conduct a safety and risk assessment.

(3) The ~~social-worker~~ *child protection specialist* is responsible for conducting the safety and risk assessment. If the child is treated at a medical facility, the ~~social-worker~~ *child protection specialist*, county attorney, or peace officer, consistent with reasonable medical practice, has the right of access to the child for interviews, photographs, and securing physical evidence and has the right of access to relevant hospital and medical records pertaining to the child. If an interview of the child is considered necessary, the ~~social-worker~~ *child protection specialist*, county attorney, or peace officer may conduct an interview of the child. The interview may be conducted in the presence of the parent or guardian or an employee of the school or day-care facility attended by the child.

(4) Subject to 41-3-205(3), if the child's interview is audiotaped or videotaped, an unedited audiotape or videotape with audio track must be made available, upon request, for unencumbered review by the family.

(5) (a) If from the safety and risk assessment the department has reasonable cause to suspect that the child is suffering abuse or neglect, the department may provide emergency protective services to the child, pursuant to 41-3-301, or voluntary protective services pursuant to 41-3-302, and may provide protective services to any other child under the same care. The department shall:

(i) after interviewing the parent or guardian, if reasonably available, document the determinations of the safety and risk assessment; and

(ii) notify the child's family of the determinations of the safety and risk assessment, unless the notification can reasonably be expected to result in harm to the child or other person.

(b) Except as provided in subsection (5)(c), the department shall destroy all safety and risk assessment determinations and associated records, except for medical records, within 30 days after the end of the 3-year period starting from the date of completion of the safety and risk assessment.

(c) Safety and risk assessment determinations and associated records may be maintained for a reasonable time as defined by department rule under the following circumstances:

(i) the safety and risk assessment determines that abuse or neglect occurred;

(ii) there had been a previous or there is a subsequent report and investigation resulting in a safety and risk assessment concerning the same person; or

(iii) an order has been issued by a court of competent jurisdiction adjudicating the child as a youth in need of care based on the circumstances surrounding the initial allegations.

(6) The investigating ~~social-worker~~ *child protection specialist*, within 60 days of commencing an investigation, shall also furnish a written safety and risk assessment to the department and, upon request, to the family. Subject to time periods set forth in subsections (5)(b) and (5)(c), the department shall maintain a record system documenting investigations and safety and risk assessment determinations. Unless records are required to be destroyed under subsections (5)(b) and (5)(c), the department shall retain records relating to the

safety and risk assessment, including case notes, correspondence, evaluations, videotapes, and interviews, for 25 years.

(7) Any person reporting abuse or neglect that involves acts or omissions on the part of a public or private residential institution, home, facility, or agency is responsible for ensuring that the report is made to the department.

(8) The department shall, upon request from any reporter of alleged child abuse or neglect, verify whether the report has been received, describe the level of response and timeframe for action that the department has assigned to the report, and confirm that it is being acted upon.”

Section 9. Section 41-3-205, MCA, is amended to read:

“41-3-205. Confidentiality – disclosure exceptions. (1) The case records of the department and its local affiliate, the local office of public assistance, the county attorney, and the court concerning actions taken under this chapter and all records concerning reports of child abuse and neglect must be kept confidential except as provided by this section. Except as provided in subsections (9) and (10), a person who purposely or knowingly permits or encourages the unauthorized dissemination of the contents of case records is guilty of a misdemeanor.

(2) Records may be disclosed to a court for in camera inspection if relevant to an issue before it. The court may permit public disclosure if it finds disclosure to be necessary for the fair resolution of an issue before it.

(3) Records, including case notes, correspondence, evaluations, videotapes, and interviews, unless otherwise protected by this section or unless disclosure of the records is determined to be detrimental to the child or harmful to another person who is a subject of information contained in the records, may be disclosed to the following persons or entities in this state and any other state or country:

(a) a department, agency, or organization, including a federal agency, military enclave, or Indian tribal organization, that is legally authorized to receive, inspect, or investigate reports of child abuse or neglect and that otherwise meets the disclosure criteria contained in this section;

(b) a licensed youth care facility or a licensed child-placing agency that is providing services to the family or child who is the subject of a report in the records or to a person authorized by the department to receive relevant information for the purpose of determining the best interests of a child with respect to an adoptive placement;

(c) a health or mental health professional who is treating the family or child who is the subject of a report in the records;

(d) a parent, grandparent, aunt, uncle, brother, sister, guardian, mandatory reporter provided for in 41-3-201(2) and (5), or person designated by a parent or guardian of the child who is the subject of a report in the records or other person responsible for the child's welfare, without disclosure of the identity of any person who reported or provided information on the alleged child abuse or neglect incident contained in the records;

(e) a child named in the records who was allegedly abused or neglected or the child's legal guardian or legal representative, including the child's guardian ad litem or attorney or a special advocate appointed by the court to represent a child in a pending case;

(f) the state protection and advocacy program as authorized by 42 U.S.C. 15043(a)(2);

(g) approved foster and adoptive parents who are or may be providing care for a child;

(h) a person about whom a report has been made and that person's attorney, with respect to the relevant records pertaining to that person only

and without disclosing the identity of the reporter or any other person whose safety may be endangered;

(i) an agency, including a probation or parole agency, that is legally responsible for the supervision of an alleged perpetrator of child abuse or neglect;

(j) a person, agency, or organization that is engaged in a bona fide research or evaluation project and that is authorized by the department to conduct the research or evaluation;

(k) the members of an interdisciplinary child protective team authorized under 41-3-108 or of a family group decisionmaking meeting for the purposes of assessing the needs of the child and family, formulating a treatment plan, and monitoring the plan;

(l) the coroner or medical examiner when determining the cause of death of a child;

(m) a child fatality review team recognized by the department[, including the child abuse and neglect review commission established in 2-15-2019];

(n) a department or agency investigating an applicant for a license or registration that is required to operate a youth care facility, day-care facility, or child-placing agency;

(o) a person or entity who is carrying out background, employment-related, or volunteer-related screening of current or prospective employees or volunteers who have or may have unsupervised contact with children through employment or volunteer activities. A request for information under this subsection (3)(o) must be made in writing. Disclosure under this subsection (3)(o) is limited to information that indicates a risk to children posed by the person about whom the information is sought, as determined by the department.

(p) the news media, if disclosure is limited to confirmation of factual information regarding how the case was handled and if disclosure does not violate the privacy rights of the child or the child's parent or guardian, as determined by the department;

(q) an employee of the department or other state agency if disclosure of the records is necessary for administration of programs designed to benefit the child;

(r) an agency of an Indian tribe, a qualified expert witness, or the relatives of an Indian child if disclosure of the records is necessary to meet requirements of the federal Indian Child Welfare Act;

(s) a juvenile probation officer who is working in an official capacity with the child who is the subject of a report in the records;

(t) an attorney who is hired by or represents the department if disclosure is necessary for the investigation, defense, or prosecution of a case involving child abuse or neglect;

(u) a foster care review committee established under 41-3-115 or, when applicable, a citizen review board established under Title 41, chapter 3, part 10;

(v) a school employee participating in an interview of a child by a ~~social worker~~ *child protection specialist*, county attorney, or peace officer, as provided in 41-3-202;

(w) a member of a county or regional interdisciplinary child information and school safety team formed under the provisions of 52-2-211;

(x) members of a local interagency staffing group provided for in 52-2-203;

(y) a member of a youth placement committee formed under the provisions of 41-5-121; or

(z) a principal of a school or other employee of the school district authorized by the trustees of the district to receive the information with respect to a student of the district who is a client of the department.

(4) (a) The records described in subsection (3) must be disclosed to a member of the United States congress or a member of the Montana legislature if all of the following requirements are met:

(i) the member receives a written inquiry regarding a child and whether the laws of the United States or the state of Montana that protect children from abuse or neglect are being complied with or whether the laws need to be changed to enhance protections for children;

(ii) the member submits a written request to the department requesting to review the records relating to the written inquiry. The member's request must include a copy of the written inquiry, the name of the child whose records are to be reviewed, and any other information that will assist the department in locating the records.

(iii) before reviewing the records, the member:

(A) signs a form that outlines the state and federal laws regarding confidentiality and the penalties for unauthorized release of the information; and

(B) receives from the department an orientation of the content and structure of the records.

(b) Records disclosed pursuant to subsection (4)(a) are confidential, must be made available for the member to view but may not be copied, recorded, photographed, or otherwise replicated by the member, and must remain solely in the department's possession. The member must be allowed to view the records in the local office where the case is or was active.

(c) Access to records requested pursuant to this subsection (4) is limited to 6 months from the date the written request to review records was received by the department.

(5) (a) The records described in subsection (3) must be promptly released to any of the following individuals upon a written request by the individual to the department or the department's designee:

(i) the attorney general;

(ii) a county attorney or deputy county attorney of the county in which the alleged abuse or neglect occurred;

(iii) a peace officer, as defined in 45-2-101, in the jurisdiction in which the alleged abuse or neglect occurred; or

(iv) the office of the child and family ombudsman.

(b) The records described in subsection (3) must be promptly disclosed by the department to an appropriate individual described in subsection (5)(a) or to a county or regional interdisciplinary child information and school safety team established pursuant to 52-2-211 upon the department's receipt of a report indicating that any of the following has occurred:

(i) the death of the child as a result of child abuse or neglect;

(ii) a sexual offense, as defined in 46-23-502, against the child;

(iii) exposure of the child to an actual and not a simulated violent offense as defined in 46-23-502; or

(iv) child abuse or neglect, as defined in 41-3-102, due to exposure of the child to circumstances constituting the criminal manufacture or distribution of dangerous drugs.

(c) (i) The department shall promptly disclose the results of an investigation to an individual described in subsection (5)(a) or to a county or regional interdisciplinary child information and school safety team established pursuant to 52-2-211 upon the determination that:

(A) there is reasonable cause to suspect that a child has been exposed to a Schedule I or Schedule II drug whose manufacture, sale, or possession is prohibited under state law; or

(B) a child has been exposed to drug paraphernalia used for the manufacture, sale, or possession of a Schedule I or Schedule II drug that is prohibited by state law.

(i) For the purposes of this subsection (5)(c), exposure occurs when a child is caused or permitted to inhale, have contact with, or ingest a Schedule I or Schedule II drug that is prohibited by state law or have contact with drug paraphernalia as defined in 45-10-101.

(d) (i) Except as provided in subsection (5)(d)(ii), the records described in subsection (3) must be released within 5 business days to the county attorney of the county in which the acts that are the subject of a report occurred upon the department's receipt of a report that includes an allegation of sexual abuse or sexual exploitation. The department shall also report to any other appropriate individual described in subsection (5)(a) and to a county or regional interdisciplinary child information and school safety team established pursuant to 52-2-211.

(ii) If the exception in 41-3-202(1)(b) applies, a contractor described in 41-3-201(2)(j) that provides confidential services to victims of sexual assault shall report to the department as provided in this part without disclosing the names of the victim and the alleged perpetrator of sexual abuse or sexual exploitation.

(iii) When a contractor described in 41-3-201(2)(j) that provides confidential services to victims of sexual assault provides services to youth over the age of 13 who are victims of sexual abuse and sexual exploitation, the contractor may not dissuade or obstruct a victim from reporting the criminal activity and, upon a request by the victim, shall facilitate disclosure to the county attorney and a law enforcement officer as described in Title 7, chapter 32, in the jurisdiction where the alleged abuse occurred.

(6) A school or school district may disclose, without consent, personally identifiable information from the education records of a pupil to the department, the court, a review board, and the child's assigned attorney, guardian ad litem, or special advocate.

(7) Information that identifies a person as a participant in or recipient of substance abuse treatment services may be disclosed only as allowed by federal substance abuse confidentiality laws, including the consent provisions of the law.

(8) The confidentiality provisions of this section must be construed to allow a court of this state to share information with other courts of this state or of another state when necessary to expedite the interstate placement of children.

(9) A person who is authorized to receive records under this section shall maintain the confidentiality of the records and may not disclose information in the records to anyone other than the persons described in subsections (3)(a) and (5). However, this subsection may not be construed to compel a family member to keep the proceedings confidential.

(10) A news organization or its employee, including a freelance writer or reporter, is not liable for reporting facts or statements made by an immediate family member under subsection (9) if the news organization, employee, writer, or reporter maintains the confidentiality of the child who is the subject of the proceeding.

(11) This section is not intended to affect the confidentiality of criminal court records, records of law enforcement agencies, or medical records covered by state or federal disclosure limitations.

(12) Copies of records, evaluations, reports, or other evidence obtained or generated pursuant to this section that are provided to the parent, grandparent, aunt, uncle, brother, sister, guardian, or parent's or guardian's attorney must be provided without cost. (Bracketed language in subsection (3)(m) terminates September 30, 2021--sec. 12, Ch. 235, L. 2017.)"

Section 10. Section 41-3-301, MCA, is amended to read:

"41-3-301. Emergency protective service. (1) Any child ~~protective social worker~~ *protection specialist* of the department, a peace officer, or the county attorney who has reason to believe any child is in immediate or apparent danger of harm may immediately remove the child and place the child in a protective facility. After ensuring that the child is safe, the department may make a request for further assistance from the law enforcement agency or take appropriate legal action. The person or agency placing the child shall notify the parents, parent, guardian, or other person having physical or legal custody of the child of the placement at the time the placement is made or as soon after placement as possible. Notification under this subsection must include the reason for removal, information regarding the show cause hearing, and the purpose of the show cause hearing and must advise the parents, parent, guardian, or other person having physical or legal custody of the child that the parents, parent, guardian, or other person may have a support person present during any in-person meeting with the ~~social worker~~ *child protection specialist* concerning emergency protective services.

(2) If a ~~social worker of the department~~ *child protection specialist*, a peace officer, or the county attorney determines in an investigation of abuse or neglect of a child that the child is in danger because of the occurrence of partner or family member assault, as provided for in 45-5-206, or strangulation of a partner or family member, as provided for in 45-5-215, against an adult member of the household or that the child needs protection as a result of the occurrence of partner or family member assault or strangulation of a partner or family member against an adult member of the household, the department shall take appropriate steps for the protection of the child, which may include:

(a) making reasonable efforts to protect the child and prevent the removal of the child from the parent or guardian who is a victim of alleged partner or family member assault or strangulation of a partner or family member;

(b) making reasonable efforts to remove the person who allegedly committed the partner or family member assault or strangulation of a partner or family member from the child's residence if it is determined that the child or another family or household member is in danger of partner or family member assault or strangulation of a partner or family member; and

(c) providing services to help protect the child from being placed with or having unsupervised visitation with the person alleged to have committed partner or family member assault or strangulation of a partner or family member until the department determines that the alleged offender has met conditions considered necessary to protect the safety of the child.

(3) If the department determines that an adult member of the household is the victim of partner or family member assault or strangulation of a partner or family member, the department shall provide the adult victim with a referral to a domestic violence program.

(4) A child who has been removed from the child's home or any other place for the child's protection or care may not be placed in a jail.

(5) The department may locate and contact extended family members upon placement of a child in out-of-home care. The department may share information with extended family members for placement and case planning purposes.

(6) If a child is removed from the child's home by the department, a ~~child protective social worker~~ *protection specialist* shall submit an affidavit regarding the circumstances of the emergency removal to the county attorney and provide a copy of the affidavit to the parents or guardian, if possible, within 2 working days of the emergency removal. An abuse and neglect petition must be filed within 5 working days, excluding weekends and holidays, of the emergency removal of a child unless arrangements acceptable to the agency for the care of the child have been made by the parents or voluntary protective services are provided pursuant to 41-3-302.

(7) Except as provided in the federal Indian Child Welfare Act, if applicable, a show cause hearing must be held within 20 days of the filing of the petition unless otherwise stipulated by the parties pursuant to 41-3-434.

(8) If the department determines that a petition for immediate protection and emergency protective services must be filed to protect the safety of the child, the ~~social worker~~ *child protection specialist* shall interview the parents of the child to whom the petition pertains, if the parents are reasonably available, before the petition may be filed. The district court may immediately issue an order for immediate protection of the child.

(9) The department shall make the necessary arrangements for the child's well-being as are required prior to the court hearing."

Section 11. Section 41-3-427, MCA, is amended to read:

"41-3-427. Petition for immediate protection and emergency protective services – order – service. (1) (a) In a case in which it appears that a child is abused or neglected or is in danger of being abused or neglected, the county attorney, the attorney general, or an attorney hired by the county may file a petition for immediate protection and emergency protective services. In implementing the policy of this section, the child's health and safety are of paramount concern.

(b) A petition for immediate protection and emergency protective services must state the specific authority requested and must be supported by an affidavit signed by a representative of the department stating in detail the alleged facts upon which the request is based and the facts establishing probable cause or, if the case is subject to the federal Indian Child Welfare Act, clear and convincing evidence that a child is abused or neglected or is in danger of being abused or neglected. The affidavit of the department representative must contain information, if any, regarding statements made by the parents about the facts of the case.

(c) If from the alleged facts presented in the affidavit it appears to the court that there is probable cause or, if the case is subject to the federal Indian Child Welfare Act, clear and convincing evidence to believe that the child has been abused or neglected or is in danger of being abused and neglected, the judge shall grant emergency protective services and the relief authorized by subsection (2) until the adjudication hearing or the temporary investigative hearing. If it appears from the alleged facts contained in the affidavit that there is insufficient probable cause or, if the case is subject to the federal Indian Child Welfare Act, clear and convincing evidence to believe that the child has been abused or neglected or is in danger of being abused or neglected, the court shall dismiss the petition.

(d) If the parents, parent, guardian, person having physical or legal custody of the child, or attorney for the child disputes the material issues of

fact contained in the affidavit or the veracity of the affidavit, the person may request a contested show cause hearing pursuant to 41-3-432 within 10 days following service of the petition and affidavit.

(e) The petition for immediate protection and emergency protective services must include a notice advising the parents, parent, guardian, or other person having physical or legal custody of the child that the parents, parent, guardian, or other person having physical or legal custody of the child may have a support person present during any in-person meeting with a ~~social worker~~ *child protection specialist* concerning emergency protective services. Reasonable accommodation must be made in scheduling an in-person meeting with the ~~social worker~~ *child protection specialist*.

(2) Pursuant to subsection (1), if the court finds probable cause or, if the case is subject to the federal Indian Child Welfare Act, clear and convincing evidence based on the petition and affidavit, the court may issue an order for immediate protection of the child. The court shall consider the parents' statements, if any, included with the petition and any accompanying affidavit or report to the court. If the court finds probable cause or, if the case is subject to the federal Indian Child Welfare Act, clear and convincing evidence, the court may issue an order granting the following forms of relief, which do not constitute a court-ordered treatment plan under 41-3-443:

(a) the right of entry by a peace officer or department worker;

(b) the right to place the child in temporary medical or out-of-home care, including but not limited to care provided by a noncustodial parent, kinship or foster family, group home, or institution;

(c) the right of the department to locate, contact, and share information with any extended family members who may be considered as placement options for the child;

(d) a requirement that the parents, guardian, or other person having physical or legal custody furnish information that the court may designate and obtain evaluations that may be necessary to determine whether a child is a youth in need of care;

(e) a requirement that the perpetrator of the alleged child abuse or neglect be removed from the home to allow the child to remain in the home;

(f) a requirement that the parent provide the department with the name and address of the other parent, if known, unless parental rights to the child have been terminated;

(g) a requirement that the parent provide the department with the names and addresses of extended family members who may be considered as placement options for the child who is the subject of the proceeding; and

(h) any other temporary disposition that may be required in the best interests of the child that does not require an expenditure of money by the department unless the court finds after notice and a hearing that the expenditure is reasonable and that resources are available for payment. The department is the payor of last resort after all family, insurance, and other resources have been examined.

(3) An order for removal of a child from the home must include a finding that continued residence of the child with the parent is contrary to the welfare of the child or that an out-of-home placement is in the best interests of the child.

(4) The order for immediate protection of the child must require the person served to comply immediately with the terms of the order and to appear before the court issuing the order on the date specified for a show cause hearing. Upon a failure to comply or show cause, the court may hold the person in contempt

or place temporary physical custody of the child with the department until further order.

(5) The petition must be served as provided in 41-3-422.”

Section 12. Section 41-3-445, MCA, is amended to read:

“41-3-445. Permanency hearing. (1) (a) (i) Subject to subsection (1)(b), a permanency hearing must be held by the court or, subject to the approval of the court and absent an objection by a party to the proceeding, by the foster care review committee, as provided in 41-3-115, or the citizen review board, as provided in 41-3-1010:

(A) within 30 days of a determination that reasonable efforts to provide preservation or reunification services are not necessary under 41-3-423, 41-3-438(6), or 41-3-442(1); or

(B) no later than 12 months after the initial court finding that the child has been subjected to abuse or neglect or 12 months after the child’s first 60 days of removal from the home, whichever comes first.

(ii) Within 12 months of a hearing under subsection (1)(a)(i)(B) and every 12 months thereafter until the child is permanently placed in either an adoptive or a guardianship placement, the court or the court-approved entity holding the permanency hearing shall conduct a hearing and the court shall issue a finding as to whether the department has made reasonable efforts to finalize the permanency plan for the child.

(b) A permanency hearing is not required if the proceeding has been dismissed, the child was not removed from the home, the child has been returned to the child’s parent or guardian, or the child has been legally adopted or appointed a legal guardian.

(c) The permanency hearing may be combined with a hearing that is required in other sections of this part or with a review held pursuant to 41-3-115 or 41-3-1010 if held within the applicable time limits. If a permanency hearing is combined with another hearing or a review, the requirements of the court related to the disposition of the other hearing or review must be met in addition to the requirements of this section.

(d) The court-approved entity conducting the permanency hearing may elect to hold joint or separate reviews for groups of siblings, but the court shall issue specific findings for each child.

(2) At least 3 working days prior to the permanency hearing, the department shall submit a report regarding the child to the entity that will be conducting the hearing for review. The report must address the department’s efforts to effectuate the permanency plan for the child, address the options for the child’s permanent placement, examine the reasons for excluding higher priority options, and set forth the proposed plan to carry out the placement decision, including specific times for achieving the plan.

(3) At least 3 working days prior to the permanency hearing, the guardian ad litem or an attorney or advocate for a parent or guardian may submit an informational report to the entity that will be conducting the hearing for review.

(4) In a permanency hearing, the court or other entity conducting the hearing shall consult, in an age-appropriate manner, with the child regarding the proposed permanency or transition plan for the child.

(5) (a) The court’s order must be issued within 20 days after the permanency hearing if the hearing was conducted by the court. If a member of the child’s extended family, including an adult sibling, grandparent, great-grandparent, aunt, or uncle, has requested that custody be awarded to that family member or that a prior grant of temporary custody with that family member be made permanent, the department shall investigate and

determine if awarding custody to that family member is in the best interests of the child. The department shall provide the reasons for any denial to the court. If the court accepts the department's custody recommendation, the court shall inform any denied family member of the reasons for the denial to the extent that confidentiality laws allow. The court shall include the reasons for denial in the court order if the family member who is denied custody requests it to be included.

(b) If an entity other than the court conducts the hearing, the entity shall keep minutes of the hearing and the minutes and written recommendations must be provided to the court within 20 days of the hearing.

(c) If an entity other than the court conducts the hearing and the court concurs with the recommendations, the court may adopt the recommendations as findings with no additional hearing required. In this case, the court shall issue written findings within 10 days of receipt of the written recommendations.

(6) The court shall approve a specific permanency plan for the child and make written findings on:

(a) whether the child has been asked about the desired permanency outcome;

(b) whether the permanency plan is in the best interests of the child;

(c) whether the department has made reasonable efforts to effectuate the permanency plan for the individual child;

(d) whether the department has made reasonable efforts to finalize the plan;

(e) whether there are compelling reasons why it is not in the best interest of the individual child to:

(i) return to the child's home; or

(ii) be placed for adoption, with a legal guardian, or with a fit and willing relative; and

(f) other necessary steps that the department is required to take to effectuate the terms of the plan.

(7) In its discretion, the court may enter any other order that it determines to be in the best interests of the child that does not conflict with the options provided in subsection (8) and that does not require an expenditure of money by the department unless the court finds after notice and a hearing that the expenditures are reasonable and that resources are available for payment. The department is the payor of last resort after all family, insurance, and other resources have been examined.

(8) Permanency options include:

(a) reunification of the child with the child's parent or guardian;

(b) permanent placement of the child with the noncustodial parent, superseding any existing custodial order;

(c) adoption;

(d) appointment of a guardian pursuant to 41-3-444; or

(e) long-term custody if the child is in a planned permanent living arrangement and if it is established by a preponderance of the evidence, which is reflected in specific findings by the court, that:

(i) the child is being cared for by a fit and willing relative;

(ii) the child has an emotional or mental handicap that is so severe that the child cannot function in a family setting and the best interests of the child are served by placement in a residential or group setting;

(iii) the child is at least 16 years of age and is participating in an independent living program and that termination of parental rights is not in the best interests of the child;

(iv) the child's parent is incarcerated and circumstances, including placement of the child and continued, frequent contact with the parent, indicate that it would not be in the best interests of the child to terminate parental rights of that parent; or

(v) the child meets the following criteria:

(A) the child has been adjudicated a youth in need of care;

(B) the department has made reasonable efforts to reunite the parent and child, further efforts by the department would likely be unproductive, and reunification of the child with the parent or guardian would be contrary to the best interests of the child;

(C) there is a judicial finding that other more permanent placement options for the child have been considered and found to be inappropriate or not to be in the best interests of the child; and

(D) the child has been in a placement in which the foster parent or relative has committed to the long-term care and to a relationship with the child, and it is in the best interests of the child to remain in that placement.

(9) For a child 14 years of age or older, the permanency plan must:

(a) be developed in consultation with the child and in consultation with up to two members of the child's case planning team who are chosen by the child and who are not a foster parent or ~~social worker~~ *child protection specialist* for the child;

(b) identify one person from the case management team, who is selected by the child, to be designated as the child's advisor and advocate for the application of the reasonable and prudent parenting standard; and

(c) include services that will be needed to transition the child from foster care to adulthood.

(10) A permanency hearing must document the intensive, ongoing, and unsuccessful efforts made by the department to return the child to the child's home or to secure a permanent placement of the child with a relative, legal guardian, or adoptive parent.

(11) The court may terminate a planned permanent living arrangement upon petition of the birth parents or the department if the court finds that the circumstances of the child or family have substantially changed and the best interests of the child are no longer being served."

Section 13. Codification instruction. [Sections 1 through 4] are intended to be codified as an integral part of Title 41, chapter 3, part 1, and the provisions of Title 41, chapter 3, part 1, apply to [sections 1 through 4].

Approved May 14, 2021

CHAPTER NO. 521

[HB 472]

AN ACT REVISING CIVIL LIABILITY UNDER THE CONSUMER PROTECTION ACT; LIMITING TREBLE DAMAGES; LIMITING AWARDS OF ATTORNEY FEES; AND AMENDING SECTION 30-14-133, MCA.

Be it enacted by the Legislature of the State of Montana:

Section 1. Section 30-14-133, MCA, is amended to read:

"30-14-133. Damages – notice to public agencies – attorney fees – prior judgment as evidence. (1) A consumer who suffers any ascertainable loss of money or property, real or personal, as a result of the use or employment by another person of a method, act, or practice declared unlawful by 30-14-103 may bring an individual *action* but not a class action under the rules of civil

procedure in the district court of the county in which the seller, lessor, or service provider resides or has its principal place of business or is doing business to recover ~~actual damages~~ *money damages in the amount of any ascertainable loss of money or property* or \$500, whichever is greater. An individual claim may be brought in justice's court. The court may *not award punitive damages but may*, in its discretion, award up to three times the ~~actual damages~~ *money damages in the amount of any ascertainable loss of money or property* sustained, *if actual damages do not exceed \$100,000*, and may provide any other equitable relief that it considers necessary or proper.

(2) Upon commencement of any action brought under subsection (1), the clerk of court shall mail a copy of the complaint or initial pleading to the department and the appropriate county attorney and, upon entry of any judgment or decree in the action, shall mail a copy of the judgment or decree to the department and the appropriate county attorney.

(3) In any action brought under this section, the court may award the prevailing party reasonable attorney fees incurred in prosecuting or defending the action, *except that attorney fees may not be awarded if the consumer recovers actual damages of \$100,000 or more. Attorney fees are limited to no more than \$250 an hour.* A person who brings an action on the person's own behalf without an attorney may receive attorney fees at the judge's discretion.

(4) Any permanent injunction, judgment, or order of the court made under 30-14-111 is prima facie evidence in an action brought under this section that the respondent used or employed a method, act, or practice declared unlawful by 30-14-103."

Approved May 14, 2021

CHAPTER NO. 522

[HB 481]

AN ACT PROVIDING FOR PROTECTION OF CRITICAL INFRASTRUCTURE; PROVIDING CIVIL AND CRIMINAL PENALTIES FOR PERSONS AND ENTITIES TRESPASSING ON OR DAMAGING CRITICAL INFRASTRUCTURE FACILITIES; EXEMPTING CERTAIN ACTIVITIES; PROVIDING DEFINITIONS; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.

Be it enacted by the Legislature of the State of Montana:

Section 1. Definitions. As used in [sections 1 through 4]:

(1) "Critical infrastructure" means systems and assets, whether physical or virtual, so vital to the United States that the incapacity or destruction of the systems and assets would have a debilitating impact on security, national economic security, national public health or safety, or any combination of those matters.

(2) "Critical infrastructure facility" means:

(a) one of the following, if completely enclosed by a fence or other physical barrier that is obviously designed to exclude intruders, or if clearly marked with a sign or signs that are posted on the property that indicate that entry is forbidden without site authorization:

(i) a petroleum or alumina refinery;

(ii) an electric generating facility, substation, switching station, electrical control center, or electric transmission and distribution lines and associated equipment infrastructure;

(iii) a chemical, polymer, or rubber manufacturing facility;

(iv) a water intake structure, water treatment facility, wastewater treatment plant, or pump station;

(v) a natural gas compressor station, including but not limited to pipeline interconnections, a city gate or town border station, a metering station, aboveground piping, and a regulation station and natural gas storage facility;

(vi) a liquid natural gas terminal or storage facility;

(vii) a telecommunications central switching office;

(viii) wireless telecommunications infrastructure;

(ix) a port, railroad switching yard, railroad tracks, trucking terminal, or other freight transportation facility;

(x) a gas processing plant, including a plant used in the processing, treatment, or fractionation of natural gas or natural gas liquids;

(xi) a transmission facility used by a federally licensed radio or television station;

(xii) a steelmaking facility that uses an electric arc furnace to make steel;

(xiii) a facility identified and regulated by the United States department of homeland security Chemical Facility Anti-Terrorism Standards program;

(xiv) a dam that is regulated by the state, the federal government, or a tribal government;

(xv) a natural gas distribution utility facility, including but not limited to pipeline interconnections, a city gate or town border station, a metering station, aboveground piping, a regular station, and a natural gas storage facility;

(xvi) aboveground oil, gas, hazardous liquid, and chemical pipelines;

(xvii) aboveground portions of an oil or natural gas well and associated production facilities;

(xviii) aboveground portions of a mineral or metal mining facility;

(xix) correctional facilities;

(xx) cable television infrastructure, including headends, poles, cable television lines, coaxial and fiber optic lines, and other equipment attached to cable television lines;

(xxi) military installations, including but not limited to training areas and armories; and

(xxii) a crude oil, inclusive of Y-grade or natural gas liquids, or a refined products storage and distribution facility, including but not limited to a value site, pipeline interconnection, pump station, metering station, below or aboveground pipeline or piping, and truck loading or offloading facility;

(b) a facility for the construction of a location listed in subsection (2)(a); or

(c) a below or aboveground portion of an oil, gas, hazardous liquid, or chemical transmission or distribution pipeline, tank, railroad facility, or other facility that is completely enclosed by a fence or other physical barrier that is obviously designed to exclude intruders, or if clearly marked with a sign or signs that are posted on the property that indicate that entry is forbidden without site authorization.

(3) "Organization" means a group of people, structured in a specific way to achieve a series of shared goals.

Section 2. Criminal penalties. (1) Except as provided in [section 4], a person who willfully and knowingly trespasses on property containing a critical infrastructure facility:

(a) that is completely enclosed by a fence or other physical barrier that is obviously designed to exclude intruders with intent to willfully damage, destroy, vandalize, deface, tamper with equipment, or materially impede or inhibit operations of the facility shall, on conviction, be guilty of a felony punishable by a fine of not more than \$4,500 or by imprisonment for not more than 18 months or both; and

(b) that is clearly marked with a sign or signs that are posted on the property that indicate that entry is forbidden without site authorization with intent to willfully damage, destroy, vandalize, deface, tamper with equipment, or materially impede or inhibit operations of the facility shall, on conviction, be guilty of a felony punishable by a fine of not more than \$4,500 or by imprisonment for not more than 18 months or both.

(2) A person who willfully damages, destroys, vandalizes, defaces, or tampers with equipment in a critical infrastructure facility:

(a) causing less than \$1,500 in damages shall, on conviction, be guilty of a misdemeanor and may be incarcerated for any term not to exceed 6 months or be fined an amount not to exceed \$500, or both, and must be ordered to make restitution in an amount and manner to be set by the court; and

(b) causing damages greater than \$1,500 shall, on conviction, be guilty of a felony punishable by a fine of not more than \$150,000 or by imprisonment for not more than 30 years, or both.

(3) An organization found to be in a conspiracy, as the term is used in 45-4-102, with persons who are found to have committed any of the crimes provided in subsection (1) or (2) may be punished by a fine up to 10 times the amount of the fine provided for the appropriate crime.

Section 3. Civil penalties. (1) A person who trespasses in a critical infrastructure facility that is completely enclosed by a fence or other physical barrier that is obviously designed to exclude intruders, or that is clearly marked with a sign or signs that are posted on the property that indicate that entry is forbidden without authorization, and enters with intent to willfully damage, destroy, vandalize, deface, tamper with equipment, or impede or inhibit operations of the facility may be held liable for damages to personal or real property while trespassing, including damages and expenses from network performance or outage issues proximately caused by the trespass.

(2) A person or entity that directs a person to trespass as described in subsection (1), compensates, provides consideration to, or remunerates a person for trespassing as described in subsection (1) may also be held vicariously liable for damages to personal or real property committed by the person compensated or remunerated for trespassing.

Section 4. Exempt activities. Nothing in [sections 1 through 4] may be construed to limit legally permissible activity under 29 U.S.C. 151 through 169, as those sections existed on December 23, 2020.

Section 5. Codification instruction. [Sections 1 through 4] are intended to be codified as an integral part of Title 82, and the provisions of Title 82 apply to [sections 1 through 4].

Section 6. Severability. If a part of [this act] is invalid, all valid parts that are severable from the invalid part remain in effect. If a part of [this act] is invalid in one or more of its applications, the part remains in effect in all valid applications that are severable from the invalid applications.

Section 7. Effective date. [This act] is effective on passage and approval.

Approved May 14, 2021

CHAPTER NO. 523

[HB 483]

AN ACT REVISING LAWS RELATED TO EXEMPT PERSONAL STAFF;
AUTHORIZING EXEMPT PERSONAL STAFF FOR MAJORITY AND
MINORITY LEADERSHIP IN THE HOUSE OF REPRESENTATIVES AND

THE SENATE; REDUCING THE NUMBER OF EXEMPT PERSONAL STAFF FOR THE PUBLIC SERVICE COMMISSION TO OFFSET THE NUMBER OF EXEMPT STAFF FOR THE LEGISLATURE; PROVIDING FOR A SPECIAL COUNSEL THAT SERVES AT THE PLEASURE OF THE SPEAKER OF THE HOUSE OF REPRESENTATIVES AND PRESIDENT OF THE SENATE; AMENDING SECTION 2-18-104, MCA; AND PROVIDING EFFECTIVE DATES AND A TERMINATION DATE.

Be it enacted by the Legislature of the State of Montana:

Section 1. Section 2-18-104, MCA, is amended to read:

“2-18-104. Exemption for personal staff – limit. (1) Subject to the limitations in subsections (2) and (3), members of a personal staff are exempt from parts 1 through 3 and 10.

(2) The personal staff who are exempted by subsection (1) may not exceed 10 unless otherwise approved by the department according to criteria developed by the department. Under no circumstances may the total exemptions of each elected official exceed 15.

(3) The number of members of the personal staff of the public service commission who are exempted by subsection (1) may not exceed ~~10~~ 6.

(4) *The number of members of the personal staff of the leadership of the legislature who are exempted by subsection (1) may not exceed:*

- (a) *one personal staff for the speaker of the house of representatives;*
- (b) *one personal staff for the minority leader of the house of representatives;*
- (c) *one personal staff for the president of the senate;*
- (d) *one personal staff for the minority leader of the senate; and*
- (e) *one personal staff that serves at the pleasure of the speaker of the house of representatives and the president of the senate for the purposes provided in [section 2].”*

Section 2. Special counsel – powers – appointment – reporting.

(1) The speaker of the house of representatives and president of the senate may hire, at any time, one personal staff under 2-18-104 for the purposes of serving as a special counsel. The speaker of the house of representatives and president of the senate must consent in writing to the appointment of the special counsel.

(2) The special counsel serves at the pleasure of the speaker of the house of representatives and the president of the senate. The special counsel must be licensed to practice law in Montana. The special counsel may:

(a) be appointed to investigate and examine state governmental activities and may examine and inspect all records, books, and files of any department, agency, commission, board, or institution of the state of Montana. A governmental agency must assist the special counsel in any activity conducted by the special counsel as provided in this section.

(b) exercise the investigatory powers under chapter 5, part 1, of this title on behalf of a standing committee, select committee, or interim committee and any subcommittees of those committees;

(c) if assigned to a legislative committee, hold hearings, administer oaths, issue subpoenas, compel the attendance of witnesses and the production of papers, books, accounts, documents, and testimony, and cause depositions of witnesses to be taken in the manner prescribed by law for taking depositions in civil actions in district court;

(d) report to the speaker of the house of representatives and the president of the senate or any committee designated by the speaker of the house of representatives and the president of the senate, including but not limited to standing committees, select committees, or interim committees and any subcommittees of those committees. A special counsel that reports to a

legislative committee must serve at the direction of the speaker of the house of representatives and president of the senate and not the assigned committee.

(e) make recommendations for revisions of laws or rules for consideration by the legislature.

(3) The speaker of the house of representatives and president of the senate may designate the attorney general or an employee of the attorney general to serve as the special counsel.

(4) Costs for the special counsel must be paid:

(a) by the department of justice if the special counsel is the attorney general or an employee of the attorney general as provided in subsection (3);

(b) as directed by the speaker of the house of representatives or president of the senate, including but not limited to using funding from interim committee operating funds.

Section 3. Codification instruction. [Section 2] is intended to be codified as an integral part of Title 5, chapter 5, and the provisions of Title 5, chapter 5, apply to [section 2].

Section 4. Coordination instruction. If both House Bill No. 588 and [this act] are passed and approved, then [section 1(4)] of [this act] must be amended as follows:

“(4) The number of members of the personal staff of the leadership of the legislature who are exempted by this section may not exceed:

(a) one personal staff for the speaker of the house of representatives;

(b) one personal staff for the minority leader of the house of representatives;

(c) one personal staff for the president of the senate;

(d) one personal staff for the minority leader of the senate; and

(e) one personal staff that serves at the pleasure of the speaker of the house of representatives and the president of the senate for the purposes provided in [section 2].”

Section 5. Effective date. (1) Except as provided in subsection (2), [this act] is effective July 1, 2021.

(2) [Sections 1(4)(e) and 2] and this section are effective on passage and approval.

Section 6. Termination. [Sections 1(4)(e) and 2] terminate June 1, 2023.

Approved May 14, 2021

CHAPTER NO. 524

[HB 495]

AN ACT GENERALLY REVISING HEALTH CARE LAWS; CREATING A HEALTH CARE PROVIDER TASK FORCE; ESTABLISHING MEMBERSHIP; REQUIRING THE DEPARTMENT OF LABOR AND INDUSTRY TO PROVIDE CLERICAL AND ADMINISTRATIVE SERVICES TO THE TASK FORCE; PROVIDING FOR TASK FORCE DUTIES AND REPORTING REQUIREMENTS; REQUIRING THE TASK FORCE TO MAKE RECOMMENDATIONS ON STATUTES, RULES, AND POLICIES THAT ARE DUPLICATIVE AND INCONSISTENT WITH CURRENT HEALTH CARE PROVIDER PRACTICES; CREATING A STATE SPECIAL REVENUE ACCOUNT; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND A TERMINATION DATE.

Be it enacted by the Legislature of the State of Montana:

Section 1. Health care provider task force – duties – membership.

(1) Within existing resources, there is a multidisciplinary health care provider task force administratively attached to the business standards division of the department of labor and industry as prescribed in 2-15-121 to carry out the duties described in this section.

(2) The task force consists of five members as follows:

(a) one member who represents the business standards division of the department of labor and industry;

(b) one member who represents the board of medical examiners;

(c) one member who represents the board of nursing;

(d) one member who represents the department of public health and human services; and

(e) one member who represents the insurance commissioner of the state auditor's office.

(3) The task force must include other stakeholders in the review required under this section as necessary.

(4) The members shall serve without compensation or reimbursement by the task force. Members who are full-time salaried officers or employees of the state or of any political subdivision of the state are entitled to their regular compensation.

(5) The department of labor and industry shall provide clerical and administrative staff services to the task force.

(6) The task force shall elect a presiding officer.

(7) The task force shall identify definitions and areas in which the Montana Code Annotated:

(a) duplicates federal regulations;

(b) duplicates or contradicts state statutes, rules, or policies established for health care providers by other departments;

(c) applies inconsistently across the regions or by the state;

(d) creates the potential for the waste of resources;

(e) causes access issues; or

(f) increases cost.

(8) Based on the areas identified pursuant to subsection (7), the task force shall review and recommend the related administrative rules, policies, and procedures to:

(a) eliminate rules, policies, or procedures that are determined to not be cost effective; and

(b) create consistency in the application of a rule, policy, or procedure as it applies to health care providers.

(9) The task force shall develop a written plan that:

(a) outlines the process and deadline for completing the initial review of the rules, policies, and procedures; and

(b) establishes a process and timeline for an ongoing review, in conjunction with providers, that will continue to identify and correct areas of duplication, inconsistency, or waste.

(10) The task force shall complete its work and issue a report in accordance with 5-11-120 of its findings and recommendations to the children, families, health, and human services interim committee provided for in 5-5-225 by September 15, 2022. The report must include:

(a) a summary of the written plan as required under subsection (9); and

(b) draft legislation, including a list of affected statutes requiring amendment as a result of the task force.

Section 2. Health care provider task force special revenue account. (1) There is a health care provider task force special revenue account to the credit of the department of labor and industry.

(2) The account consists of grants, gifts, and donations from public and private sources that are made to the department of labor and industry for the purpose of supporting the health care provider task force provided for in [section 1].

(3) Money in the account must be used by the department of labor and industry to support the activities carried out by the health care provider task force.

(4) Money in the account that is unencumbered and unexpended at the end of the biennium must be transferred to the department of labor and industry. The department shall use the reverted money to provide administrative services to the health care provider task force.

Section 3. Effective date. [This act] is effective on passage and approval.

Section 4. Termination. [Sections 1 and 2] terminate September 30, 2022.

Approved May 14, 2021

CHAPTER NO. 525

[HB 497]

AN ACT GENERALLY REVISING LEGISLATIVE INTERIM ACTIVITIES; ESTABLISHING INTERIM BUDGET COMMITTEES; PROVIDING FOR THE MEMBERSHIP OF INTERIM BUDGET COMMITTEES; PROVIDING FOR THE APPOINTMENT, STAFFING, COMPENSATION, AND DUTIES OF INTERIM BUDGET COMMITTEES; ASSIGNING INTERIM BUDGET COMMITTEES TO THE LEGISLATIVE FISCAL DIVISION; AMENDING SECTIONS 5-2-205, 5-2-302, 5-12-302, 17-7-138, AND 17-7-139, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND A TERMINATION DATE.

Be it enacted by the Legislature of the State of Montana:

Section 1. Interim budget committees. (1) During an interim when the legislature is not in session, the committees listed in subsection (2) are the interim budget committees of the legislature. They are empowered to sit as committees and may act in their respective areas of responsibility.

(2) The following are the interim budget committees of the legislature:

(a) general government budget committee to oversee the budget activities of the department of administration, department of military affairs, department of commerce, state auditor's office, governor's office, secretary of state, commissioner of political practices, department of revenue, department of labor and industry, legislative branch, and consumer counsel;

(b) health and human services budget committee to oversee the budget activities of the department of public health and human services;

(c) natural resources and transportation budget committee to oversee the budget activities of the department of livestock, department of environmental quality, department of agriculture, department of natural resources and conservation, department of transportation, and department of fish, wildlife, and parks;

(d) judicial branch, law enforcement, and justice budget committee to oversee the budget activities of the judicial branch, department of justice,

public service regulation, office of state public defender, and department of corrections;

(e) education budget committee to oversee budget activities related to the Montana arts council, Montana historical society, board of public education, office of public instruction, school for the deaf and blind, Montana state library, and commissioner of higher education; and

(f) long-range planning budget committee to oversee the budget activities related to long-range program implementation issues considered by the subcommittee during the session.

(3) An interim budget committee may refer an issue to an interim committee provided for in 5-5-202 that the referring committee determines to be more appropriate for the consideration of the issue.

(4) If there is a dispute between interim committees and an interim budget committee as to which committee has proper jurisdiction over a subject, the legislative council and legislative finance committee shall consult and determine the most appropriate committee and assign the subject to that committee.

Section 2. Composition of interim budget committees – compensation. (1) The composition of each interim budget committee is the full membership of the joint budget subcommittee that considers agency budgets consistent with the agency oversight established in [section 1] during each legislative session.

(2) Members of the committees are entitled to receive compensation and expenses as provided in 5-2-302.

Section 3. Officers of interim budget committees – vacancies. (1) The presiding officer and vice presiding officers of the interim budget committee shall be the presiding officer and vice presiding officers of the joint budget subcommittee that consider agency budgets consistent with the agency oversight established in [section 1] during the legislative session.

(2) If a vacancy occurs on the interim budget committee when the legislature is not in session, a member of the same political party must be appointed by the speaker of the house of representatives, if the member being replaced is a representative, or by the president of the senate, if the member being replaced is a senator. If the member being replaced represents the minority party, the replacement must be made in consultation with the appropriate minority leader.

Section 4. Duties of interim budget committees. (1) Each interim budget committee in [section 1(2)(a) through (2)(e)] shall:

(a) oversee the expenditures included in the budget for the agencies overseen by the interim budget committees established in [section 1];

(b) review implementation of new programs by the agencies overseen by the interim budget committees established in [section 1] that were approved by the legislature immediately preceding the interim;

(c) review programs discussed in the respective subcommittee during the legislative session;

(d) review quarterly expenditures and budget transactions and compare those transactions to the budget adopted by the legislature;

(e) report budget observations and recommendations to the legislative finance committee at each quarterly meeting; and

(f) forward any recommendations for proposed legislation to the legislative finance committee or relevant interim committee and may not directly request legislation.

(2) Beginning in September of each odd-numbered year, each interim budget committee in [section 1(2)(a) through (2)(e)] shall meet within the week prior to the quarterly legislative finance committee meetings.

(3) Beginning in September of each odd-numbered year, the interim budget committee provided for in [section 1(2)(f)] shall meet each December and June within the week prior to the quarterly legislative finance committee meetings to review project status implementation throughout the interim and report budget considerations and recommendations to the legislative finance committee.

(4) The legislative fiscal division shall:

(a) provide staff assistance to the interim budget committees; and

(b) keep accurate records of the activities and proceedings of each interim budget committee.

(5) If an interim budget committee produces a report or receives a report from an agency, the report must also be provided to the appropriate interim committee that has agency oversight over the subject matter discussed in the report.

(6) The legislative finance committee may delegate specific studies or analysis to an interim budget committee and must consider all recommendations for potential legislation.

Section 5. Section 5-2-205, MCA, is amended to read:

“5-2-205. Authority for standing committees to meet during interim. (1) Except as provided in 5-2-202, [sections 1 through 4], and subsection (2) of this section, a standing committee of the legislature, as provided for in legislative rules, may not meet during the interim between regular legislative sessions.

(2) Upon approval of the president of the senate or the speaker of the house of representatives, a standing committee may meet before a special session, as provided in 5-3-101, or during a special session.”

Section 6. Section 5-2-302, MCA, is amended to read:

“5-2-302. Compensation and expenses when legislature not in session. When the legislature is not in session, a member of the legislature, while engaged in legislative business with prior authorization of the appropriate funding authority, is entitled to:

(1) a mileage allowance as provided in 2-18-503;

(2) expenses as provided in 2-18-501 and 2-18-502; and

(3) a salary equal to one full day’s pay at the rate described in 5-2-301(1) for each 24-hour period of time (from midnight to midnight), or portion of a 24-hour period, spent on authorized interim, *interim budget*, or administrative committee legislative business or as otherwise provided by law. However, if time spent for business other than authorized legislative interim, *interim budget*, or administrative committee business or business related to 5-11-305 results in lengthening a legislator’s stay away from home into an additional 24-hour period, the legislator may not be compensated for the additional day.”

Section 7. Section 5-12-302, MCA, is amended to read:

“5-12-302. Fiscal analyst’s duties. The legislative fiscal analyst shall:

(1) provide for fiscal analysis of state government and accumulate, compile, analyze, and furnish information bearing upon the financial matters of the state that is relevant to issues of policy and questions of statewide importance, including but not limited to investigation and study of the possibilities of effecting economy and efficiency in state government;

(2) estimate revenue from existing and proposed taxes;

(3) analyze the executive budget and budget requests of selected state agencies and institutions, including proposals for the construction of capital improvements;

(4) make the reports and recommendations that the legislative fiscal analyst considers desirable to the legislature *and* ~~and~~ make reports and recommendations as requested by the legislative finance committee and the legislature;

(5) assist committees of the legislature and individual legislators in compiling and analyzing financial information;

(6) assist the revenue interim committee in performing its revenue estimating duties; ~~and~~

(7) *assist and provide staff for the interim budget committees established in [section 1]; and*

~~(7)(8)~~ review all reports submitted to the legislative fiscal analyst and notify the legislative finance committee *or the appropriate interim budget committee, or both*, of any concerns the fiscal analyst identifies in a report.”

Section 8. Section 17-7-138, MCA, is amended to read:

“17-7-138. Operating budget. (1) (a) Expenditures by a state agency must be made in substantial compliance with the budget approved by the legislature. Substantial compliance may be determined by conformity to the conditions contained in the general appropriations act and to legislative intent as established in the narrative accompanying the general appropriations act. An explanation of any significant change in agency or program scope must be submitted on a regular basis to the interim committee that has ~~program evaluation and monitoring functions for the agency pursuant to Title 5, chapter 5, part 2~~ *program evaluation and monitoring functions for the agency pursuant to Title 5, chapter 5, part 2, and to the appropriate interim budget committee in accordance with [section 1]*. An explanation of any significant change in agency or program scope, objectives, activities, or expenditures must be submitted to the legislative fiscal analyst for review and comment by the legislative finance committee prior to any implementation of the change. A significant change may not conflict with a condition contained in the general appropriations act. If the approving authority certifies that a change is time-sensitive, the approving authority may approve the change prior to the next regularly scheduled meeting of the legislative finance committee. The approving authority shall submit all proposed time-sensitive changes to the legislative fiscal analyst prior to approval. If the legislative fiscal analyst determines that notification of the legislative finance committee is warranted, the legislative fiscal analyst shall immediately notify as many members as possible of the proposed change and communicate any concerns expressed to the approving authority. The approving authority shall present a report fully explaining the reasons for the action to the next meeting of the legislative finance committee. Except as provided in subsection (2), the expenditure of money appropriated in the general appropriations act is contingent upon approval of an operating budget by August 1 of each fiscal year. An approved original operating budget must comply with state law and conditions contained in the general appropriations act.

(b) For the purposes of this subsection (1), an agency or program is considered to have a significant change in its scope, objectives, activities, or expenditures if:

(i) the operating budget change exceeds \$1 million; or

(ii) the operating budget change exceeds 25% of a budget category and the change is greater than \$75,000. If there have been other changes to the budget

category in the current fiscal year, all the changes, including the change under consideration, must be used in determining the 25% and \$75,000 threshold.

(2) The expenditure of money appropriated in the general appropriations act to the board of regents, on behalf of the university system units, as defined in 17-7-102, is contingent upon approval of a comprehensive operating budget by October 1 of each fiscal year. The operating budget must contain detailed revenue and expenditures and anticipated fund balances of current funds, loan funds, endowment funds, and plant funds. After the board of regents approves operating budgets, transfers between units may be made only with the approval of the board of regents. Transfers and related justification must be submitted to the office of budget and program planning and to the legislative fiscal analyst.

(3) The operating budget for money appropriated by the general appropriations act must be separate from the operating budget for money appropriated by another law except a law appropriating money for the state pay plan or any portion of the state pay plan. The legislature may restrict the use of funds appropriated for personal services to allow use only for the purpose of the appropriation. Each operating budget must include expenditures for each agency program, detailed at least by first-level categories as provided in 17-1-102(3). Each agency shall record its operating budget for all funds, other than higher education funds, and any approved changes on the statewide accounting, budgeting, and human resource system. Documents implementing approved changes must be signed. The operating budget for higher education funds must be recorded on the university financial system, with separate accounting categories for each source or use of state government funds. State sources and university sources of funds may be combined for the general operating portion of the current unrestricted funds."

Section 9. Section 17-7-139, MCA, is amended to read:

"17-7-139. Program transfers. (1) Unless prohibited by law or a condition contained in the general appropriations act, the approving authority may approve agency requests to transfer appropriations between programs within each fund type within each fiscal year. The legislature may restrict the use of funds appropriated for personal services to allow use only for the purpose of the appropriation. An explanation of any significant transfer must be submitted on a regular basis to the interim committee that has ~~program evaluation and monitoring functions for the agency pursuant to Title 5, chapter 5, part 2~~ *program evaluation and monitoring function for the agency pursuant to Title 5, chapter 5, part 2, and to the appropriate interim budget committee in accordance with [section 1].* An explanation of any transfer that involves a significant change in agency or program scope, objectives, activities, or expenditures must be submitted to the legislative fiscal analyst for review and comment by the legislative finance committee prior to any implementation of the change. If the approving authority certifies that a request for a transfer representing a significant change in agency or program scope, objectives, activities, or expenditures is time-sensitive, the approving authority may approve the transfer prior to the next regularly scheduled meeting of the legislative finance committee. The approving authority shall submit all proposed time-sensitive changes to the legislative fiscal analyst prior to approval. If the legislative fiscal analyst determines that notification of the legislative finance committee is warranted, the legislative fiscal analyst shall immediately notify as many members as possible of the proposed change and communicate any concerns expressed to the approving authority. The approving authority shall present a report fully explaining the reasons for the action to the next meeting of the legislative finance committee. All program transfers must be completed within the same fund from which the transfer originated. A request for a transfer accompanied by a justification explaining

the reason for the transfer must be submitted by the requesting agency to the approving authority and the office of budget and program planning. Upon approval of the transfer in writing, the approving authority shall inform the legislative fiscal analyst of the approved transfer and the justification for the transfer. If money appropriated for a fiscal year is transferred to another fiscal year, the money may not be retransferred, except that money remaining from projected costs for spring fires estimated in the last quarter of the first year of a biennium may be retransferred.

(2) For the purposes of subsection (1), an agency or program is considered to have a significant change in its scope, objectives, activities, or expenditures if:

- (a) the budget transfer exceeds \$1 million; or
- (b) the budget transfer exceeds 25% of a program's total operating plan and the transfer is greater than \$75,000. If there have been other transfers to or from the program in the current fiscal year, all the transfers, including the transfer under consideration, must be used in determining the 25% and \$75,000 threshold."

Section 10. Codification instruction. [Sections 1 through 4] are intended to be codified as an integral part of Title 5, chapter 12, and the provisions of Title 5, chapter 12, apply to [sections 1 through 4].

Section 11. Effective date. [This act] is effective on passage and approval.

Section 12. Termination. [This act] terminates December 31, 2025.

Approved May 14, 2021

CHAPTER NO. 526

[HB 498]

AN ACT CLARIFYING THE PRIMACY OF THE MINERAL ESTATE; CLARIFYING THE JURISDICTION OF THE BOARD OF OIL AND GAS CONSERVATION; AMENDING SECTIONS 76-2-109 AND 82-11-112, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.

Be it enacted by the Legislature of the State of Montana:

Section 1. Section 76-2-109, MCA, is amended to read:

"76-2-109. Effect on natural resources. (1) ~~No planning district or recommendations Regulations~~ adopted under this part ~~shall~~ *may not* regulate lands used for grazing, horticulture, agriculture, or the growing of timber or the complete use, development or recovery of any mineral.

(2) (a) *A provision of this part may not be construed to alter Montana law regarding the primacy of the mineral estate, to limit access to the mineral estate, or to limit development of the mineral estate.*

(b) *A regulation adopted pursuant to the provisions of this part may not prevent the complete use, development, or recovery of any mineral that is under the jurisdiction of the board of oil and gas conservation pursuant to Title 82, chapter 11, part 1."*

Section 2. Section 82-11-112, MCA, is amended to read:

"82-11-112. Intergovernmental cooperation. *The Subject to the provisions of 76-2-109, the board may cooperate with any other state, interstate, or federal agency and other governmental agencies of the state to effect the objects and purposes of this chapter and expend such funds as may be reasonably necessary in connection therewith."*

Section 3. Effective date. [This act] is effective on passage and approval.

Approved May 14, 2021

CHAPTER NO. 527

[HB 501]

AN ACT REVISING CRIMINAL LAWS RELATED TO TRESPASS; PROVIDING THAT FAILURE TO WEAR A FACE COVERING OR CARRY PROOF OF VACCINATION MAY NOT BE CONSIDERED IN THE CRIME OF CRIMINAL TRESPASS; AMENDING SECTION 45-6-203, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.

Be it enacted by the Legislature of the State of Montana:

Section 1. Section 45-6-203, MCA, is amended to read:

“45-6-203. Criminal trespass to property. (1) Except as provided in *subsection (4)*, 15-7-139, 70-16-111, and 76-13-116, a person commits the offense of criminal trespass to property if the person knowingly:

- (a) enters or remains unlawfully in an occupied structure; or
- (b) enters or remains unlawfully in or upon the premises of another.

(2) A person convicted of the offense of criminal trespass to property shall be fined not to exceed \$500 or be imprisoned in the county jail for any term not to exceed 6 months, or both.

(3) A person convicted of or who forfeits bond or bail for committing an act of criminal trespass involving property owned or administered by the department of fish, wildlife, and parks or while hunting, fishing, or trapping may be subject to revocation of the person's privilege to hunt, fish, or trap in this state for up to 24 months from the date of conviction or forfeiture.

(4) *It does not constitute criminal trespass when a person who lacks proof of vaccination or vaccination status or fails to wear a specific medical device, such as masks or other facial coverings, enters or remains in a public place paid for in whole or in part with taxpayer funds where proof of vaccination or use of medical devices, such as masks or other facial coverings, is required.”*

Section 2. Effective date. [This act] is effective on passage and approval.

Approved May 14, 2021

CHAPTER NO. 528

[HB 502]

AN ACT REVISING ADOPTION LAWS REGARDING LICENSURE REQUIREMENTS FOR CHILD-PLACEMENT AGENCIES; PROVIDING AN EXEMPTION FROM LICENSURE FOR AN ATTORNEY OR HEALTH CARE PROVIDER ASSISTING A PARENT IN IDENTIFYING OR LOCATING A CHILD FOR ADOPTION OR AN ADOPTIVE PARENT; AMENDING SECTIONS 42-7-105 AND 52-8-103, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.

Be it enacted by the Legislature of the State of Montana:

Section 1. Section 42-7-105, MCA, is amended to read:

“42-7-105. Prohibited activities – violations – penalties. (1) A person, other than the department, *an attorney or health care provider acting under 52-8-103(2)*, or a licensed child-placing agency, may not:

- (a) advertise in any public medium that the person:
 - (i) knows of a child who is available for adoption; or
 - (ii) is willing to accept a child for adoption or knows of prospective adoptive parents for a child; or
- (b) engage in placement activities as defined in 52-8-101.

(2) An individual other than an extended family member or stepparent of a child may not obtain legal or physical custody of a child for purposes of adoption unless the individual has a favorable preplacement evaluation or a court-ordered waiver of the evaluation.

(3) A person who, as a condition for placement, relinquishment, or consent to the adoption of a child, knowingly offers, gives, agrees to give, solicits, accepts, or agrees to accept from another person, either directly or indirectly, anything other than the fees allowed under 42-7-101 commits the offense of paying or charging excessive adoption process fees.

(4) It is illegal to require repayment or reimbursement of anything provided to a birth parent under 42-7-101. All payments by the adoptive parent made on behalf of a birth parent pursuant to this section are considered a gift to the birth parent.

(5) Nothing in this section prohibits a licensed child-placing agency from maintaining a separate program for the assistance of a biological parent who is in need of postadoptive counseling and support as provided in 42-4-211. Services must be provided based on need and may not be contingent on a placement being made privately, by the department, or by a licensed child-placing agency. A postadoptive counseling and support program may not be used to induce a biological parent to place a child for adoption.

(6) A person convicted of the offense of paying or charging excessive adoption process fees, attempting to recover expenses incurred from an adoption process, or otherwise violating this title may be fined an amount not to exceed \$10,000 in an action brought by the appropriate city or county attorney. The court may also enjoin from further violations any person who violates this title."

Section 2. Section 52-8-103, MCA, is amended to read:

"52-8-103. License required – exception – term of license – no fee charged. (1) *Only Except as provided in subsection (2), only* an entity holding a current child-placing agency license issued by the department may act as an agency for the purpose of:

- (a) procuring or selecting proposed adoptive or foster homes;
- (b) placing children in proposed adoptive or foster homes;
- (c) soliciting persons to adopt or foster children or arranging for persons to adopt or foster children;
- (d) soliciting persons to relinquish children or place children in potential adoptive or foster homes; or
- (e) engaging in placement activities.

(2) (a) *An attorney or health care provider may assist a parent in identifying or locating a person interested in adopting the parent's child or in identifying or locating a child to be adopted, provided that the attorney or health care provider shall also provide an expectant parent and prospective adoptive parent with a list of agencies licensed to assist with adoption support services and counseling. No payment, charge, fee, reimbursement of expense, or exchange of value of any kind may be made to the attorney or health care provider assisting the parent.*

(b) *An adoption in which an attorney or health care provider assists as allowed under subsection (2)(a) must comply with the provisions of Title 42 and this chapter.*

(c) *For the purposes of this subsection (2), "health care provider" means a person licensed under Title 37 whose scope of practice includes the provision of obstetrical care.*

(2)(3) Licenses are valid for 1 year after issuance. A fee may not be charged for a license."

Section 3. Effective date. [This act] is effective on passage and approval.

Approved May 14, 2021

CHAPTER NO. 529

[HB 503]

AN ACT REVISING LAWS RELATED TO CHILD ABUSE AND NEGLECT PROCEEDINGS; ESTABLISHING A VOLUNTARY EMERGENCY PROTECTIVE SERVICES HEARING WITHIN 5 DAYS OF A CHILD'S REMOVAL FROM THE HOME; PROVIDING FOR CONTINUATION AND EXPANSION OF EXISTING PILOT PROJECTS DESIGNED TO IMPROVE THE EFFECTIVENESS OF CHILD ABUSE AND NEGLECT PROCEEDINGS; AMENDING SECTION 41-3-301, MCA; AND PROVIDING EFFECTIVE DATES AND A TERMINATION DATE.

Be it enacted by the Legislature of the State of Montana:

Section 1. Emergency protective services hearing on request -- exceptions. (1) (a) If requested by the parents, parent, guardian, or other person having physical or legal custody of a child removed from the home pursuant to 41-3-301, a district court shall hold an emergency protective services hearing within 5 business days of the child's removal to determine whether to continue the removal beyond 5 business days.

(b) The department shall provide notification of the option for the hearing as required under 41-3-301.

(c) A hearing is not required if the child is released prior to the time of the requested hearing.

(2) The hearing may be held in person, by videoconference, or, if no other means are available, by telephone.

(3) The child and the child's parents, parent, guardian, or other person having physical or legal custody of the child must be represented by counsel at the hearing.

(4) If the court determines that continued out-of-home placement is needed, the court shall:

(a) establish guidelines for visitation by the parents, parent, guardian, or other person having physical or legal custody of the child pending the show cause hearing; and

(b) review the availability of options for a kinship placement and make recommendations if appropriate.

(5) The court may direct the department to develop and implement a treatment plan before the show cause hearing if the parents, parent, guardian, or other person having physical or legal custody of the child stipulates to a condition subject to a treatment plan and agrees to immediately comply with the treatment plan if a plan is developed.

(6) If the court determines continued removal is not appropriate, the child must be immediately returned to the parents, parent, guardian, or other person having physical or legal custody of the child.

(7) This section does not apply:

(a) in judicial districts that are holding voluntary prehearing conferences pursuant to [section 2]; or

(b) to cases involving an Indian child who is subject to the Indian Child Welfare Act.

Section 2. Voluntary prehearing conferences -- pilot project counties. (1) The parents, parent, guardian, or other person having physical or legal custody of a child who has been removed from the home pursuant to 41-3-301 may participate in a conference within 5 days of the child's removal

and before a show cause hearing held by the court if the court is participating in a pilot project testing the effectiveness of prehearing conferences.

(2) A prehearing conference may be held under this section only if it involves:

(a) the parents, parent, guardian, or other person having physical or legal custody of the child;

(b) the person's legal counsel;

(c) the county attorney's office; and

(d) a department social worker.

(3) To the greatest degree possible using available funding, the meetings must be conducted by an independent and trained facilitator.

(4) At a minimum, the meetings must involve discussion of:

(a) the child's current placement and options for continued placement if the child remains out of the home;

(b) whether other options exist for an in-home safety plan or resource that may allow the child to remain in the home;

(c) parenting time schedules; and

(d) treatment services for the family.

(5) This section does not apply to cases involving an Indian child who is subject to the Indian Child Welfare Act.

(6) This section applies to a district court participating in the prehearing conference pilot project funded by the court improvement program on [the effective date of this section] and to any district court in a rural county or multicounty district that chooses to hold conferences in accordance with this section on or after that date.

Section 3. Section 41-3-301, MCA, is amended to read:

"41-3-301. Emergency protective service. (1) Any child protective social worker of the department, a peace officer, or the county attorney who has reason to believe any child is in immediate or apparent danger of harm may immediately remove the child and place the child in a protective facility. After ensuring that the child is safe, the department may make a request for further assistance from the law enforcement agency or take appropriate legal action. The person or agency placing the child shall notify the parents, parent, guardian, or other person having physical or legal custody of the child of the placement at the time the placement is made or as soon after placement as possible. Notification under this subsection must:

(a) include the reason for removal;

(b) *include information regarding the option for an emergency protective services hearing within 5 days under [section 1], the required show cause hearing within 20 days, and the purpose of the ~~show-cause-hearing~~ hearings;*
and

(c) *provide contact information for the social worker, the social worker's supervisor, and the office of state public defender; and*

(d) ~~must~~ advise the parents, parent, guardian, or other person having physical or legal custody of the child that the parents, parent, guardian, or other person:

(i) *has the right to receive a copy of the affidavit as provided in subsection (6);*

(ii) *has the right to attend and participate in an emergency protective services hearing, if one is requested, and the show-cause hearing, including providing statements to the judge;*

(iii) *may have a support person present during any in-person meeting with the social worker concerning emergency protective services; and*

(iv) may request that the child be placed in a kinship foster home as defined in 52-2-602.

(2) If a social worker of the department, a peace officer, or the county attorney determines in an investigation of abuse or neglect of a child that the child is in danger because of the occurrence of partner or family member assault, as provided for in 45-5-206, or strangulation of a partner or family member, as provided for in 45-5-215, against an adult member of the household or that the child needs protection as a result of the occurrence of partner or family member assault or strangulation of a partner or family member against an adult member of the household, the department shall take appropriate steps for the protection of the child, which may include:

(a) making reasonable efforts to protect the child and prevent the removal of the child from the parent or guardian who is a victim of alleged partner or family member assault or strangulation of a partner or family member;

(b) making reasonable efforts to remove the person who allegedly committed the partner or family member assault or strangulation of a partner or family member from the child's residence if it is determined that the child or another family or household member is in danger of partner or family member assault or strangulation of a partner or family member; and

(c) providing services to help protect the child from being placed with or having unsupervised visitation with the person alleged to have committed partner or family member assault or strangulation of a partner or family member until the department determines that the alleged offender has met conditions considered necessary to protect the safety of the child.

(3) If the department determines that an adult member of the household is the victim of partner or family member assault or strangulation of a partner or family member, the department shall provide the adult victim with a referral to a domestic violence program.

(4) A child who has been removed from the child's home or any other place for the child's protection or care may not be placed in a jail.

(5) The department may locate and contact extended family members upon placement of a child in out-of-home care. The department may share information with extended family members for placement and case planning purposes.

(6) If a child is removed from the child's home by the department, a child protective social worker shall submit an affidavit regarding the circumstances of the emergency removal to the county attorney and provide a copy of the affidavit to the parents or guardian, if possible, within 2 working days of the emergency removal. An abuse and neglect petition must be filed within 5 working days, excluding weekends and holidays, of the emergency removal of a child unless arrangements acceptable to the agency for the care of the child have been made by the parents or voluntary protective services are provided pursuant to 41-3-302.

(7) Except as provided in the federal Indian Child Welfare Act, if applicable, a show cause hearing must be held within 20 days of the filing of the petition unless otherwise stipulated by the parties pursuant to 41-3-434.

(8) If the department determines that a petition for immediate protection and emergency protective services must be filed to protect the safety of the child, the social worker shall interview the parents of the child to whom the petition pertains, if the parents are reasonably available, before the petition may be filed. The district court may immediately issue an order for immediate protection of the child.

(9) The department shall make the necessary arrangements for the child's well-being as are required prior to the court hearing."

Section 4. Notification to tribal governments. The secretary of state shall send a copy of [this act] to each federally recognized tribal government in Montana.

Section 5. Directions to code commissioner. If both House Bill No. 90 and [this act] are passed and approved, then [section 1] of both bills must be codified as the same section with different effective dates.

Section 6. Codification instruction. [Sections 1 and 2] are intended to be codified as an integral part of Title 41, chapter 3, part 3, and the provisions of Title 41, chapter 3, part 3, apply to [sections 1 and 2].

Section 7. Effective date. (1) Except as provided in subsection (2), [this act] is effective July 1, 2021.

(2) [Section 2] and this section are effective on passage and approval.

Section 8. Termination. [This act] terminates June 30, 2023.

Approved May 14, 2021

CHAPTER NO. 530

[HB 504]

AN ACT GENERALLY REVISING LAWS RELATED TO FIREARMS, WEAPONS, AND ACCESSORIES; PROVIDING THAT DURING A DECLARED EMERGENCY THE STATE MAY NOT CONFISCATE, PROHIBIT, OR REGULATE FIREARMS, COMPONENTS, ACCESSORIES, OR OTHER WEAPONS; PROVIDING BUSINESSES RELATED TO FIREARMS OR WEAPONS MAY NOT BE RESTRICTED; PROVIDING EXCEPTIONS; AMENDING SECTION 10-3-114, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.

Be it enacted by the Legislature of the State of Montana:

Section 1. Section 10-3-114, MCA, is amended to read:

“10-3-114. Confiscation of firearm and certain actions by government prohibited – private right of action – costs and expenses.

(1) Following a declaration of an emergency or disaster pursuant to this chapter, a peace officer or other person acting or purporting to act on behalf of the state or a political subdivision of the state may not take a confiscation action or:

(a) *prohibit, regulate, or curtail the otherwise lawful possession, carrying, sale, transportation, transfer, defensive use, or other lawful use of any:*

- (i) *firearm, including any component or accessory;*
- (ii) *ammunition, including any component or accessory;*
- (iii) *ammunition-reloading equipment and supplies; or*
- (iv) *personal weapons other than firearms;*

(b) *seize, commandeer, or confiscate in any manner, any:*

- (i) *firearm, including any component or accessory;*
- (ii) *ammunition, including any component or accessory;*
- (iii) *ammunition-reloading equipment and supplies; or*
- (iv) *personal weapons other than firearms;*

(c) *suspend or revoke a permit to carry a concealed weapon;*

(d) *refuse to accept an application for a permit to carry a concealed pistol, provided the application has been properly completed under 45-8-321 through 45-8-324;*

(e) *unless the closing or limitation of hours applies equally to all forms of commerce within the jurisdiction, close or limit the operating hours of any entity engaged in the lawful selling or servicing of any:*

- (i) *firearm, including any component or accessory;*
 - (ii) *ammunition, including any component or accessory;*
 - (iii) *ammunition-reloading equipment and supplies; or*
 - (iv) *personal weapons other than firearms;*
 - (f) *close or limit the operating hours of any indoor or outdoor shooting range; or*
 - (g) *place restrictions or quantity limitations on any entity regarding the lawful sale or servicing of any:*
 - (i) *firearm, including any component or accessory;*
 - (ii) *ammunition, including any component or accessory;*
 - (iii) *ammunition-reloading equipment and supplies; or*
 - (iv) *personal weapons other than firearms.*
- (2) After a violation of ~~subsection (1)~~ this section has occurred, the party injured by a confiscation action or other action prohibited in subsection (1) may bring an action for damages in a court having jurisdiction.
- (3) A party awarded damages pursuant to this section must also be awarded the party's costs and expenses in bringing the action, including reasonable attorney fees.
- (4) (a) As used in this section, "confiscation action" means the intentional deprivation by a person in Montana of a privately owned firearm.
- (b) The term does not include the taking of a firearm from a person:
- (i) in self-defense;
 - (ii) possessing a firearm while the person is committing a felony or misdemeanor; or
 - (iii) who may not lawfully possess the firearm because of a prior criminal conviction.
- (5) *Nothing in this section may be construed to infringe on the rights of private landowners or the person who is in control of the property, including a tenant or lessee, to regulate firearms on their property."*

Section 2. Effective date. [This act] is effective on passage and approval.

Approved May 14, 2021

CHAPTER NO. 531

[HB 506]

AN ACT GENERALLY REVISING ELECTION LAWS; ESTABLISHING PRIORITIES FOR DEVELOPMENT OF CONGRESSIONAL DISTRICTS; REVISING PROCEDURES FOR PROSPECTIVE ELECTORS TO REGISTER AND VOTE; CLARIFYING REQUIREMENTS FOR A BOARD OF COUNTY CANVASSERS; ELIMINATING THE EXPERIMENTAL USE OF VOTE SYSTEMS; AMENDING SECTIONS 5-1-115, 13-2-205, AND 13-15-401, MCA; REPEALING SECTION 13-17-105, MCA; AND PROVIDING EFFECTIVE DATES.

Be it enacted by the Legislature of the State of Montana:

Section 1. Section 5-1-115, MCA, is amended to read:

"5-1-115. Redistricting criteria. (1) Subject to federal law, legislative and congressional districts must be established on the basis of population.

(2) In the development of legislative districts, a plan is subject to the Voting Rights Act and must comply with the following criteria, in order of importance:

(a) The districts must be as equal as practicable, meaning to the greatest extent possible, within a plus or minus 1% relative deviation from the ideal

population of a district as calculated from information provided by the federal decennial census. The relative deviation may be exceeded only when necessary to keep political subdivisions intact or to comply with the Voting Rights Act.

(b) District boundaries must coincide with the boundaries of political subdivisions of the state to the greatest extent possible. The number of counties and cities divided among more than one district must be as small as possible. When there is a choice between dividing local political subdivisions, the more populous subdivisions must be divided before the less populous, unless the boundary is drawn along a county line that passes through a city.

(c) The districts must be contiguous, meaning that the district must be in one piece. Areas that meet only at points of adjoining corners or areas separated by geographical boundaries or artificial barriers that prevent transportation within a district may not be considered contiguous.

(d) The districts must be compact, meaning that the compactness of a district is greatest when the length of the district and the width of a district are equal. A district may not have an average length greater than three times the average width unless necessary to comply with the Voting Rights Act.

(3) A district may not be drawn for the purposes of favoring a political party or an incumbent legislator or member of congress. The following data or information may not be considered in the development of a plan:

- (a) addresses of incumbent legislators or members of congress;
- (b) political affiliations of registered voters;
- (c) partisan political voter lists; or
- (d) previous election results, unless required as a remedy by a court.

(4) *In the development of congressional districts and under the authority granted to the legislature by Article I, section 4, of the United States constitution, a congressional districting plan is subject to the Voting Rights Act and must comply with the following criteria, in order of importance:*

- (a) *The districts must be as equal as practicable.*
- (b) *District boundaries must coincide with the boundaries of political subdivisions of the state to the greatest extent possible. The number of counties and cities divided among more than one district must be as small as possible. When there is a choice between dividing local political subdivisions, the more populous subdivisions must be divided before the less populous, unless the boundary is drawn along a county line that passes through a city.*

(c) *The districts must be contiguous, meaning that a district must be in one piece. Areas that meet only at points of adjoining corners or areas separated by geographical boundaries or artificial barriers that prevent transportation within a district may not be considered contiguous.*

(d) *The districts must be compact, meaning that the compactness of a district is greatest when the length of the district and the width of a district are equal. A district may not have an average length greater than three times the average width unless necessary to comply with the Voting Rights Act."*

Section 2. Section 13-2-205, MCA, is amended to read:

"13-2-205. Procedure when prospective elector not qualified at time of registration. (1) **Subject to subsection (2),** an individual who is not eligible to register because of residence or age requirements but who will be eligible on or before election day may apply for voter registration pursuant to 13-2-110 and be registered subject to verification procedures established pursuant to 13-2-109.

(2) *Until the individual meets residence and age requirements, a ballot may not be issued to the individual and the individual may not cast a ballot."*

Section 3. Section 13-15-401, MCA, is amended to read:

“13-15-401. Governing body as board of county canvassers. (1) The governing body of a county or consolidated local government is ex officio a board of county canvassers and shall meet as the board of county canvassers at the usual meeting place of the governing body ~~within 14 days after each election~~, at a time determined by the board, ~~to and within 14 days after each election to complete the canvass the~~ of returns.

(2) If one or more of the members of the governing body cannot attend the meeting, the member's place must be filled by one or more county officers chosen by the remaining members of the governing body so that the board of county canvassers' membership equals the membership of the governing body.

(3) The governing body of any political subdivision in the county that participated in the election may join with the governing body of the county or consolidated local government in canvassing the votes cast at the election.

(4) The election administrator is secretary of the board of county canvassers and shall keep minutes of the meeting of the board and file them in the official records of the administrator's office.”

Section 4. Repealer. The following sections of the Montana Code Annotated are repealed:

13-17-105. Experimental use of voting systems.

Section 5. Severability. If a part of [this act] is invalid, all valid parts that are severable from the invalid part remain in effect. If a part of [this act] is invalid in one or more of its applications, the part remains in effect in all valid applications that are severable from the invalid applications.

Section 6. Effective dates. (1) Except as provided in subsection (2), [this act] is effective October 1, 2021.

(2) [Sections 1 and 5] and this section are effective on passage and approval.

Approved May 14, 2021

CHAPTER NO. 532

[HB 525]

AN ACT GENERALLY REVISING ALCOHOL CONCESSION AGREEMENT LAWS; REQUIRING DEPARTMENT APPROVAL OF CONCESSION AGREEMENTS; PROVIDING CONCESSION AGREEMENT CRITERIA; PROVIDING FOR PARTY RESPONSIBILITY IN CONCESSION AGREEMENTS; PROVIDING FOR A CHANGE IN CONCESSION AGREEMENT OWNERSHIP; AMENDING SECTION 16-4-418, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND APPLICABILITY DATES.

Be it enacted by the Legislature of the State of Montana:

Section 1. Section 16-4-418, MCA, is amended to read:

“16-4-418. Concession agreements. (1) ~~The~~ Except for entities licensed under 16-4-105(1)(e) or 16-4-201(8) on or after January 1, 2021, the department may allow entities licensed under ~~16-4-104~~ 16-4-105 or 16-4-201 to enter into concession agreements with unlicensed entities to serve alcoholic beverages. A licensee may enter into a maximum of three concession agreements for each license at any given time.

(2) To be considered for approval, a concession agreement must:

(a) demonstrate that the licensed premises is a contiguous premises that includes the space utilized by the concessionaire; and

(b) *provide that the licensee retains ultimate control over and responsibility for operating the license, including:*

- (i) the ordering, purchase, sale, and service of alcoholic beverages;*
- (ii) the right to discipline or otherwise sanction any employee in relation to the service of alcoholic beverages;*
- (iii) reconciling the proceeds of alcoholic beverage sales at least monthly;*
- (iv) terminating the concession agreement with cause where cause includes but is not limited to any violation of Title 16, and the sale or transfer of the license; and*
- (v) the exclusive operation of all gaming activities if the licensee offers any gaming.*

(3) A licensee's gaming endorsement may not be extended through a concession agreement.

(4) Nothing in this section precludes a licensee and a concessionaire from sharing employees.

(5) A licensee may enter into a management agreement to satisfy the provisions of subsection (2)(b).

(6) (a) The licensee may compensate the concessionaire for the sale of alcoholic beverages based only on one of the following or a combination of the following considerations:

- (i) a percentage of gross alcoholic beverage sales;*
- (ii) a percentage of employee overhead; and*
- (iii) a fixed dollar amount to be negotiated by the parties.*

(b) If the licensee and concessionaire change the structure of the compensation arrangement, the department must be provided with a copy of the amended compensation arrangement but does not have the ability to deny the amended compensation arrangement as long as it meets the requirements of this section.

(7) (a) Other than changes provided in subsection (6)(b), a licensee shall submit any proposed modification to an existing concession agreement for review and approval by the department. Changes include but are not limited to proposed changes in ownership of the license and the parties of an existing concession agreement choosing to operate under the provisions of this section. The department shall approve or deny the application within 30 business days unless additional information is required. The existing concession agreement may remain in place pending department approval or denial. An applicant may apply for temporary operating authority pending approval for a change in ownership of a license or to operate under the provisions of this section without terminating an existing concession agreement.

(b) Parties with a concession agreement existing prior to [the effective date of this act] that elect to operate under the provisions of this section shall operate under the existing concession agreement pending department approval of the new concession agreement.

(8) A concession agreement does not constitute an ownership interest in the license.

(9) The department shall create a standardized concession agreement that includes only the requirements of this section.

(10) The concessionaire shall pay the department an application fee of \$500 for each new concession agreement or for existing concession agreements that elect to operate under the provisions of this section. The new concession agreement application fee does not apply to modification of existing concession agreements. The annual renewal fee for each concession agreement is \$100.

(11) (a) For the purposes of this section, the term "contiguous premises" means the interior portion of the premises that must be a continuous area under

the control of the licensee or the concessionaire and not interrupted by any area in which one of the parties does not have control.

(b) The term includes multiple floors on the premises and common areas necessarily shared by multiple building tenants in order to allow patrons to access other tenant businesses or private dwellings in the same building, including but not limited to entryways, hallways, stairwells, and elevators.”

Section 2. Grandfather clause. (1) Except as provided for entities that elect to comply with [this act] in 16-4-418(7)(b), [this act] does not apply to concession agreements in effect or submitted to the department for approval prior to January 1, 2021. Concession agreements in effect or submitted to the department for approval prior to January 1, 2021, may remain in effect until a licensee applies for and receives department approval to change ownership or location of the license or when an existing license and concessionaire elect to comply with [this act]. Concession agreements in effect or submitted to the department prior to January 1, 2021, may have their terms extended indefinitely and may be assigned to new concessionaires operating in the same premises as long as the provisions of the concession agreements are otherwise unmodified.

(2) [This act] does not extinguish concession agreements already in existence for entities licensed under 16-4-201(8) or 16-4-213, including those agreements previously subject to an expiration date, or the rights of licenses under 16-4-201(8) existing before January 1, 2021, to enter into concession agreements.

(3) [This act] does not impair the rights of veteran and fraternal organizations that have had a license under 16-4-201(8) and concession agreement in place on or after January 1, 2016, from using or obtaining a veteran or fraternal license and entering into concession agreements pursuant to 16-4-418.

Section 3. Severability. If a part of [this act] is invalid, all valid parts that are severable from the invalid part remain in effect. If a part of [this act] is invalid in one or more of its applications, the part remains in effect in all valid applications that are severable from the invalid applications.

Section 4. Effective date. [This act] is effective on passage and approval.

Section 5. Applicability. For entities entering into a concession agreement where one has not previously existed, the provisions of [this act] apply immediately. For entities electing to comply with [this act] under [section 1(7)(b)], the provisions of [this act] apply September 1, 2021.

Approved May 14, 2021

CHAPTER NO. 533

[HB 527]

AN ACT GENERALLY REVISING LAWS RELATED TO PLANNING AND ZONING DISTRICTS; EXTENDING THE PERIOD TO PROTEST THE CREATION OF A PLANNING AND ZONING DISTRICT; REQUIRING THE SUBMITTAL OF DRAFT RESOLUTIONS TO THE BOARD OF COUNTY COMMISSIONERS; PROHIBITING ZONING REGULATIONS FROM REGULATING MINERALS OR MINERAL RIGHTS; AMENDING SECTIONS 76-2-101, 76-2-109, AND 82-11-112, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.

Be it enacted by the Legislature of the State of Montana:

Section 1. Section 76-2-101, MCA, is amended to read:

“76-2-101. Planning and zoning commission and district.

(1) Subject to the provisions of ~~subsection~~ *subsections (5) and (6)*, whenever the public interest or convenience may require and upon petition of 60% of the affected real property owners in the proposed district, the board of county commissioners may create a planning and zoning district and *may* appoint a planning and zoning commission consisting of *up to* seven members.

(2) A planning and zoning district may not be created in an area that has been zoned by an incorporated city pursuant to 76-2-310 and 76-2-311.

(3) For the purposes of this part, the word “district” means any area that consists of not less than 40 acres.

(4) Except as provided in subsection (5), an action challenging the creation of a planning and zoning district must begin within 6 months after the date of the order by the board of county commissioners creating the district.

(5) If real property owners representing 50% of the titled property ownership in the district protest the establishment of the district within ~~30~~ 90 days of its creation, the board of county commissioners may not create the district. An area included in a district protested under this subsection may not be included in a zoning district petition under this section for a period of 1 year.

(6) (a) *Before the board of county commissioners determines whether the number of affected real property owners necessary to meet the petition requirement of subsection (1) has been met, draft documents of the proposed materials that may potentially govern the proposed district must be made available to the board of county commissioners. Draft documents of the proposed materials required in this subsection (6) may include but are not limited to drafts of:*

(i) a development pattern as provided in 76-2-104;

(ii) a resolution as provided in 76-2-107; and

(iii) the land use and zoning regulations as provided in 76-2-107.

(b) The final adopted development pattern, resolutions, and other materials that govern the zoning district as required in 76-2-104 and 76-2-107 must be similar to the draft documents provided to the county commissioners as required in subsection (6)(a).”

Section 2. Section 76-2-109, MCA, is amended to read:

“76-2-109. Effect on natural resources. (1) ~~No planning district or recommendations~~ *Regulations* adopted under this part ~~shall~~ *may not* regulate lands used for grazing, horticulture, agriculture, ~~or the growing of timber, or the complete use, development, or recovery of any mineral.~~

(2) (a) *A provision of this part may not be construed to alter law regarding the primacy of the mineral estate, to limit access to the mineral estate, or to limit development of the mineral estate.*

(b) A resolution or rule adopted pursuant to the provisions of this part may not prevent the complete use, development, or recovery of any mineral that is under the jurisdiction of the board of oil and gas conservation pursuant to Title 82, chapter 11, part 1.”

Section 3. Section 82-11-112, MCA, is amended to read:

“82-11-112. Intergovernmental cooperation. ~~The Subject to 76-2-109,~~ the board may cooperate with any other state, interstate, or federal agency and other governmental agencies of the state to effect the objects and purposes of this chapter and expend such funds as may be reasonably necessary in connection therewith.”

Section 4. Effective date. [This act] is effective on passage and approval.

Approved May 14, 2021

CHAPTER NO. 534

[HB 530]

AN ACT REQUIRING THE SECRETARY OF STATE TO ADOPT RULES DEFINING AND GOVERNING ELECTION SECURITY; REQUIRING ELECTION SECURITY ASSESSMENTS BY THE SECRETARY OF STATE AND COUNTY ELECTION ADMINISTRATIONS; ESTABLISHING THAT SECURITY ASSESSMENTS ARE CONFIDENTIAL INFORMATION; ESTABLISHING REPORTING REQUIREMENTS; DIRECTING THE SECRETARY OF STATE TO ADOPT A RULE PROHIBITING CERTAIN PERSONS FROM RECEIVING PECUNIARY BENEFITS WITH RESPECT TO CERTAIN BALLOT ACTIVITIES; PROVIDING PENALTIES; PROVIDING RULEMAKING AUTHORITY; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.

Be it enacted by the Legislature of the State of Montana:

Section 1. Statewide elections infrastructure – rulemaking. (1) (a) On or before July 1, 2022, the secretary of state shall adopt rules defining and governing election security.

(b) The secretary of state and county election administrators shall annually assess their compliance with election security rules established in accordance with subsection (1)(a). County election administrators shall provide the results of the assessments to the secretary of state in January of each year to ensure that all aspects of elections in the state are secure. Security assessments are considered confidential information as defined in 2-6-1002(1).

(2) Beginning January 1, 2023, and each year after, the secretary of state shall provide an annual summary report on statewide election security. The report must be provided to the state administration and veterans' affairs interim committee in accordance with 5-11-210.

Section 2. Direction to secretary of state – penalty. (1) On or before July 1, 2022, the secretary of state shall adopt an administrative rule in substantially the following form:

(a) For the purposes of enhancing election security, a person may not provide or offer to provide, and a person may not accept, a pecuniary benefit in exchange for distributing, ordering, requesting, collecting, or delivering ballots.

(b) "Person" does not include a government entity, a state agency as defined in 1-2-116, a local government as defined in 2-6-1002, an election administrator, an election judge, a person authorized by an election administrator to prepare or distribute ballots, or a public or private mail service or its employees acting in the course and scope of the mail service's duties to carry and deliver mail.

(2) A person violating the rule adopted by the secretary of state pursuant to subsection (1) is subject to a civil penalty. The civil penalty is a fine of \$100 for each ballot distributed, ordered, requested, collected, or delivered in violation of the rule.

Section 3. Codification instruction. (1) [Section 1] is intended to be codified as an integral part of Title 13, chapter 1, part 2, and the provisions of Title 13, chapter 1, part 2, apply to [section 1].

(2) [Section 2] is intended to be codified as an integral part of Title 13, and the provisions of Title 13 apply to [section 2].

Section 4. Severability. If a part of [this act] is invalid, all valid parts that are severable from the invalid part remain in effect. If a part of [this act] is

invalid in one or more of its applications, the part remains in effect in all valid applications that are severable from the invalid applications.

Section 5. Effective date. [This act] is effective on passage and approval.

Approved May 14, 2021

CHAPTER NO. 535

[HB 537]

AN ACT GENERALLY REVISING VENUE LAWS; ELIMINATING CHOICE OF VENUE IN THE FIRST JUDICIAL DISTRICT COURT, LEWIS AND CLARK COUNTY, IN CERTAIN INSTANCES; ESTABLISHING VENUE FOR CERTAIN OUT-OF-STATE LITIGANTS IN THE FIRST JUDICIAL DISTRICT COURT, LEWIS AND CLARK COUNTY; AND AMENDING SECTIONS 13-37-113, 15-1-108, 16-4-411, 19-2-401, 19-20-201, 22-3-429, 25-2-126, 30-14-111, 30-14-1413, 31-1-726, 32-1-912, 32-5-402, 33-1-804, 37-1-332, 37-7-1513, 50-5-112, 50-5-113, 50-6-504, 50-30-102, 53-9-131, 61-4-107, 61-8-812, 61-8-815, 75-1-108, 75-2-401, 75-2-413, 75-2-514, 75-5-611, 75-5-631, 75-6-114, 75-10-228, 75-10-417, 75-10-424, 75-10-542, 75-10-711, 75-10-715, 75-10-1223, 75-11-223, 75-11-516, 75-11-518, 75-11-525, 76-4-109, 77-2-107, 82-4-142, 82-4-254, 82-4-354, 82-4-361, 82-4-427, 82-4-441, 82-15-120, 85-2-431, AND 85-6-109, MCA.

Be it enacted by the Legislature of the State of Montana:

Section 1. Venue generally. Except as otherwise provided by this chapter, any challenge to an action taken by the department or to a decision issued by the board pursuant to this chapter must be brought in the district court in the county where the activity that is the subject of the challenge is proposed to occur. If an activity is proposed to occur or will occur in more than one county, the challenge may be brought in the district court in any of the counties where the activity is proposed to occur or will occur.

Section 2. Section 2-4-702, MCA, is amended to read:

“2-4-702. (Temporary) Initiating judicial review of contested cases. (1) (a) Except as provided in 75-2-213 and 75-20-223, a person who has exhausted all administrative remedies available within the agency and who is aggrieved by a final written decision in a contested case is entitled to judicial review under this chapter. This section does not limit use of or the scope of judicial review available under other means of review, redress, relief, or trial de novo provided by statute.

(b) A party who proceeds before an agency under the terms of a particular statute may not be precluded from questioning the validity of that statute on judicial review, but the party may not raise any other question not raised before the agency unless it is shown to the satisfaction of the court that there was good cause for failure to raise the question before the agency.

(2) (a) Except as provided in 75-2-211, 75-2-213, and subsections (2)(c) and (2)(e) of this section, proceedings for review must be instituted by filing a petition in district court within 30 days after service of the final written decision of the agency or, if a rehearing is requested, within 30 days after the written decision is rendered. Except as otherwise provided by statute or, subsection (2)(d), or subsection (2)(e), the petition must be filed in the district court for the county where the petitioner resides or has the petitioner's principal place of business or where the agency maintains its principal office. Copies of the petition must be promptly served upon the agency and all parties of record.

(b) The petition must include a concise statement of the facts upon which jurisdiction and venue are based, a statement of the manner in which the petitioner is aggrieved, and the ground or grounds specified in 2-4-704(2) upon which the petitioner contends to be entitled to relief. The petition must demand the relief to which the petitioner believes the petitioner is entitled, and the demand for relief may be in the alternative.

(c) If a petition for review is filed pursuant to 33-16-1012(2)(c), the workers' compensation court, rather than the district court, has jurisdiction and the provisions of this part apply to the workers' compensation court in the same manner as the provisions of this part apply to the district court.

(d) If a petition for review is filed challenging a licensing or permitting decision made pursuant to Title 75 or Title 82, the petition for review must be filed in the county where the facility is located or proposed to be located or where the action is proposed to occur.

(e) (i) A party who is aggrieved by a final decision on an application for a permit or change in appropriation right filed under Title 85, chapter 2, part 3, may petition the district court or the water court for judicial review of the decision. If a petition for judicial review is filed in the water court, the water court rather than the district court has jurisdiction and the provisions of this part apply to the water court in the same manner as they apply to the district court. The time for filing a petition is the same as provided in subsection (2)(a).

(ii) If more than one party is aggrieved by a final decision on an application for a permit or change in appropriation right filed under Title 85, chapter 2, part 3, the district court where the appropriation right is located has jurisdiction. If more than one aggrieved party files a petition but no aggrieved party files a petition in the district court where the appropriation right is located, the first judicial district, Lewis and Clark County, has jurisdiction.

(iii) *If a petition for judicial review is filed in the district court, the petition for review must be filed in the district court in the county where the appropriation right is located.*

(3) Unless otherwise provided by statute, the filing of the petition may not stay enforcement of the agency's decision. The agency may grant or the reviewing court may order a stay upon terms that it considers proper, following notice to the affected parties and an opportunity for hearing. A stay may be issued without notice only if the provisions of 27-19-315 through 27-19-317 are met.

(4) Within 30 days after the service of the petition or within further time allowed by the court, the agency shall transmit to the reviewing court the original or a certified copy of the entire record of the proceeding under review. By stipulation of all parties to the review proceedings, the record may be shortened. A party unreasonably refusing to stipulate to limit the record may be required by the court to pay the additional costs. The court may require or permit subsequent corrections or additions to the record. (Terminates September 30, 2025--sec. 6, Ch. 126, L. 2017.)

2-4-702. (Effective October 1, 2025) Initiating judicial review of contested cases. (1) (a) Except as provided in 75-2-213 and 75-20-223, a person who has exhausted all administrative remedies available within the agency and who is aggrieved by a final written decision in a contested case is entitled to judicial review under this chapter. This section does not limit use of or the scope of judicial review available under other means of review, redress, relief, or trial de novo provided by statute.

(b) A party who proceeds before an agency under the terms of a particular statute may not be precluded from questioning the validity of that statute on judicial review, but the party may not raise any other question not raised

before the agency unless it is shown to the satisfaction of the court that there was good cause for failure to raise the question before the agency.

(2) (a) Except as provided in 75-2-211, 75-2-213, and subsection (2)(c) of this section, proceedings for review must be instituted by filing a petition in district court within 30 days after service of the final written decision of the agency or, if a rehearing is requested, within 30 days after the written decision is rendered. Except as otherwise provided by statute or subsection (2)(d), the petition must be filed in the district court for the county where the petitioner resides or has the petitioner's principal place of business or where the agency maintains its principal office. Copies of the petition must be promptly served upon the agency and all parties of record.

(b) The petition must include a concise statement of the facts upon which jurisdiction and venue are based, a statement of the manner in which the petitioner is aggrieved, and the ground or grounds specified in 2-4-704(2) upon which the petitioner contends to be entitled to relief. The petition must demand the relief to which the petitioner believes the petitioner is entitled, and the demand for relief may be in the alternative.

(c) If a petition for review is filed pursuant to 33-16-1012(2)(c), the workers' compensation court, rather than the district court, has jurisdiction and the provisions of this part apply to the workers' compensation court in the same manner as the provisions of this part apply to the district court.

(d) If a petition for review is filed challenging a licensing or permitting decision made pursuant to Title 75 or Title 82, the petition for review must be filed in the county where the facility is located or proposed to be located or where the action is proposed to occur.

(3) Unless otherwise provided by statute, the filing of the petition may not stay enforcement of the agency's decision. The agency may grant or the reviewing court may order a stay upon terms that it considers proper, following notice to the affected parties and an opportunity for hearing. A stay may be issued without notice only if the provisions of 27-19-315 through 27-19-317 are met.

(4) Within 30 days after the service of the petition or within further time allowed by the court, the agency shall transmit to the reviewing court the original or a certified copy of the entire record of the proceeding under review. By stipulation of all parties to the review proceedings, the record may be shortened. A party unreasonably refusing to stipulate to limit the record may be required by the court to pay the additional costs. The court may require or permit subsequent corrections or additions to the record."

Section 3. Section 13-37-113, MCA, is amended to read:

"13-37-113. Hiring of attorneys – prosecutions. The commissioner may hire or retain attorneys who are properly licensed to practice before the supreme court of the state of Montana to prosecute violations of chapter 35 of this title or this chapter. Any attorney retained or hired shall exercise the powers of a special attorney general, and the attorney may prosecute, subject to the control and supervision of the commissioner and the provisions of 13-35-240, 13-37-124, and 13-37-125, any criminal or civil action arising out of a violation of any provision of chapter 35 of this title or this chapter. All prosecutions must be brought in the state district court for the county in which a violation has occurred ~~or in the district court for Lewis and Clark County~~. The authority to prosecute as prescribed by this section includes the authority to:

(1) institute proceedings for the arrest of persons charged with or reasonably suspected of criminal violations of chapter 35 of this title or this chapter;

(2) attend and give advice to a grand jury when cases involving criminal violations of chapter 35 of this title or this chapter are presented;

(3) draw and file indictments, informations, and criminal complaints;

(4) prosecute all actions for the recovery of debts, fines, penalties, or forfeitures accruing to the state or county from persons convicted of violating chapter 35 of this title or this chapter; and

(5) do any other act necessary to successfully prosecute a violation of any provision of chapter 35 of this title or this chapter.”

Section 4. Section 15-1-108, MCA, is amended to read:

“15-1-108. Prohibition on sales—restrictions on certain disclosures and uses. (1) (a) Subject to subsection (1)(b), a tax return preparer may not sell, receive any consideration for, or otherwise disclose tax return information for the benefit of the tax return preparer or of any persons controlling, controlled by, or under common control of the tax return preparer.

(b) The provisions of this section do not prevent the bona fide sale of a tax return preparation, accounting, or law practice in the ordinary course of business.

(2) A tax return preparer may not disclose return information to a tax return preparer located outside of the state unless:

(a) (i) the taxpayer has requested the disclosure; or

(ii) disclosure is required in connection with an internal audit;

(b) the tax return preparer located outside of the state agrees:

(i) not to sell or receive any consideration for the tax return information; and

(ii) not to otherwise disclose the tax return information for its benefit or for the benefit of any person controlling, controlled by, or under common control with it; and

(c) the local tax return preparer indemnifies the taxpayer for the damages provided for in subsection (3)(d) for any sale or disclosure by the tax return preparer located outside the state in violation of subsection (2)(b).

(3) (a) A person whose tax return information is or will be used or disclosed in violation of subsection (1) or (2) may bring an action to enjoin the violation and for the recovery of damages.

(b) An action under this section may be brought in Montana district court in the county where the plaintiff resides or maintains its principal place of business ~~or in the Montana first judicial district.~~

(c) If the court finds that the defendant is violating or has violated any of the provisions of subsection (1) or (2), the court shall enjoin the defendant. It is not necessary to allege or prove actual damages to the plaintiff.

(d) In addition to injunctive relief, the plaintiff is entitled to recover from the defendant in an amount that is the greater of three times the amount of actual damages sustained by the plaintiff or up to \$10,000.

(e) In any action brought under this section, the court may award the prevailing party reasonable attorney fees incurred in prosecuting or defending the action. A person who brings an action on the person’s own behalf without an attorney may receive equivalent fees at the judge’s discretion.

(4) A tax return preparer may disclose or use return information:

(a) for quality or peer reviews;

(b) when authorized to do so by Montana law;

(c) when required to do so by federal or state law; or

(d) pursuant to a court subpoena or administrative summons.

(5) As used in this section, the following definitions apply:

(a) (i) “Return information” includes a taxpayer’s identity, the nature, source, or amount of the taxpayer’s income, payments, receipts, deductions,

exemptions, credits, assets, liabilities, net worth, tax liability, tax withheld, deficiencies, overassessments, or tax payments, or any other data received by, recorded by, prepared by, furnished to, or collected by the department with respect to a return or with respect to the determination of the existence or possible existence of liability or the amount of a liability of any person under this title for any tax, penalty, interest, fine, forfeiture, or other imposition or any offense.

(ii) The term does not include data in a form that cannot be associated with or otherwise identify, directly or indirectly, a particular taxpayer.

(b) "Tax return preparer" means:

(i) any person who:

(A) is engaged in the business of preparing tax returns;

(B) is engaged in the business of providing services in connection with the preparation of tax returns;

(C) prepares or assists in preparing or presents to the public that the person prepares or assists in preparing a tax return for compensation;

(D) develops software used to prepare or file tax returns; or

(E) is an electronic return originator; and

(ii) an individual who, as a part of that individual's duties or employment with a person described in subsection (5)(b)(i), performs services relating to:

(A) the preparation or filing of or the provision of services in connection with the preparation or filing of a tax return; or

(B) the development of software used to prepare or file tax returns."

Section 5. Section 16-4-411, MCA, is amended to read:

"16-4-411. Appeals concerning alcoholic beverages laws. (1) Any interested party shall have the right to appeal any decision of the department of revenue concerning the issuance, transfer, suspension, or revocation of alcoholic beverages licenses to the district court in the county in which the issuance, transfer, suspension, or revocation occurred ~~or, at the appellant's option, in the district court of the first judicial district.~~

(2) The appeal must be in conformity with the provisions of Title 2, chapter 4, part 7."

Section 6. Section 19-2-401, MCA, is amended to read:

"19-2-401. Location of board – jurisdiction and venue for judicial review – quorum – officers and employees. (1) The board shall maintain its office in the city of Helena. Jurisdiction and venue for judicial review of final administrative decisions of the board are in the *judicial district in which the appealing party resides or, if the person resides outside the state, the first judicial district, Lewis and Clark County, unless otherwise stipulated by the parties.*

(2) A quorum of the board is four members.

(3) The board shall elect one of its members presiding officer. The board may appoint a committee of one or more of its members to perform routine acts, such as retirement of members and fixing of retirement benefits, approval of death claims, and correction of records necessary in the administration of the systems in accordance with the provisions of chapters 2, 3, 5 through 9, 13, 17, and 50 of this title and in accordance with the rules of the board. The attorney general is the legal counsel for the board."

Section 7. Section 19-20-201, MCA, is amended to read:

"19-20-201. Administration by retirement board – jurisdiction and venue for judicial review. (1) The retirement board shall administer and operate the retirement system within the limitations prescribed by this chapter, and it is the duty of the retirement board to:

(a) establish rules necessary for the proper administration and operation of the retirement system;

(b) approve or disapprove all expenditures necessary for the proper operation of the retirement system;

(c) keep a record of all its proceedings, which must be open to public inspection;

(d) submit a report to the office of budget and program planning detailing the fiscal transactions for the 2 fiscal years immediately preceding the report due date, the amount of the accumulated cash and securities of the retirement system, and the last fiscal year balance sheet showing the assets and liabilities of the retirement system;

(e) keep in convenient form the data that is necessary for actuarial valuation of the various funds of the retirement system and for checking the experience of the retirement system;

(f) prepare an annual valuation of the assets and liabilities of the retirement system that includes an analysis of how market performance is affecting the actuarial funding of the retirement system;

(g) require the board's actuary to conduct and report on a periodic actuarial investigation into the actuarial experience of the retirement system;

(h) prescribe a form for membership application that will provide adequate and necessary information for the proper operation of the retirement system;

(i) annually determine the rate of regular interest as prescribed in 19-20-501;

(j) establish and maintain the funds of the retirement system in accordance with the provisions of part 6 of this chapter; and

(k) perform other duties and functions as are required to properly administer and operate the retirement system.

(2) In discharging its duties, the board, or an authorized representative of the board, may conduct hearings, administer oaths and affirmations, take depositions, certify to official acts and records, and issue subpoenas to compel the attendance of witnesses and the production of books, papers, correspondence, memoranda, and other records. Subpoenas must be issued and enforced pursuant to 2-4-104.

(3) The board may send retirement-related material to employers and the campuses of the Montana university system for delivery to employees. To facilitate distribution, employers and those campuses shall each provide the board with a point of contact who is responsible for distribution of the material provided by the board.

(4) The board shall make available to the state administration and veterans' affairs interim committee and to the legislature pursuant to 5-11-210 copies of the annual actuarial valuation and reports required pursuant to subsections (1)(d), (1)(f), and (1)(g).

(5) Jurisdiction and venue for judicial review of the board's final administrative decisions is *the judicial district in which the appealing party resides or, if the person resides outside the state, the first judicial district, Lewis and Clark County, unless otherwise stipulated by the parties.*

Section 8. Section 22-3-429, MCA, is amended to read:

"22-3-429. Requests for consultation – public notice – appeal of findings. (1) A federal or state entity that acts upon a proposed federal or state action or an application for a federal, state, or local permit, license, lease, or funding may request the views of the historic preservation officer concerning:

(a) the recommended eligibility for a register listing of any heritage property or paleontological remains;

(b) the effects of a proposed action, activity, or undertaking on heritage property or remains that are found to be eligible for register listing; and

(c) the appropriateness of a proposed plan for the avoidance or mitigation of effects.

(2) A request for comment pursuant to 16 U.S.C. 470f may be made simultaneously with a request pursuant to subsection (1). The historic preservation officer shall respond in writing to a request within 30 calendar days of receiving the request and shall address each property in the request and each topic of the request. In the event that an agency requests simultaneous consultation for two or more criteria under this section, the agency and historic preservation officer may extend the 30-day review period by mutual agreement. If the historic preservation officer fails to comment within that time, that failure is construed as concurrence with the agency's recommendation. In the event of failure to comment on a specific undertaking, the historic preservation officer may not change a finding for a heritage property at a later date.

(3) If the proposed finding is that a heritage property or paleontological remains are involved and that a proposed activity will have an adverse impact on the property or remains, the proposed finding must address all properties or remains involved and describe the characteristics that illustrate the qualities that make the property or remains eligible for inclusion in the register. If the proposed finding includes a conclusion that a property or remains may be eligible but additional information or study is needed to reach an eligibility finding, the finding must specify the type and amount of information required in accordance with standards and guidelines as provided in 22-3-428.

(4) At the time that the state or federal agency requests the views of the historic preservation officer as provided in subsection (1), the agency shall provide notice to the applicant, affected property owners, and other interested persons of the request for consultation and shall identify locations where the submitted materials may be reviewed.

(5) The applicant and any affected property owners have 20 days in which to appeal the historic preservation officer's finding to the director. The appeal notice must include a written statement of reasons for the appeal and any additional supporting information.

(6) The director of the historical society shall issue a final finding within 30 days of the expiration of the 20-day appeal period provided for under subsection (5). The issuance of this finding does not limit the rights of any applicant or affected property owner to challenge a finding under an existing federal law, regulation, or regulatory or administrative process.

(7) If the applicant or an affected property owner is not satisfied with the finding of the director of the historical society concerning the eligibility of the property or remains for listing in the register or a finding of adverse effect to the property, the entity or property owner may appeal the finding to the district court in either Lewis and Clark County or a county in which affected property is located. Appeal may be taken by filing a petition with the district court citing the decision by the director of the historical society and the evidence upon which the director relied. On appeal, the district court may consider any documents supporting or not supporting the finding, the written comments received by the director of the historical society, and any additional evidence that may be submitted to the court. The district court may substitute its judgment for the judgment of the director of the historical society as to the weight of the evidence.

(8) A state agency may not require a historical or archaeological survey as a condition of applying for or receiving a state or local permit, license, lease, or funding for a project to reconstruct or maintain an irrigation ditch

or appurtenant structures or equipment when the ditch or appurtenant structures or equipment are in use or have been in use within the past 10 years, if the reconstruction or maintenance will occur within the existing ditch easement and if the project is not on land owned by the state.”

Section 9. Section 25-2-126, MCA, is amended to read:

“25-2-126. Against state and political subdivisions. (1) *The Except as provided in subsection (2), the proper place of trial for an action against the state is in the county in which the claim arose or in Lewis and Clark County. In an action against the state brought by a resident of the state, the county of the plaintiff’s residence is also a proper place of trial.*

(2) *For an action that challenges the issuance, approval, renewal, or denial of a permit, license, authorization, or certificate by a state agency, the action must be brought in the county in which the permitted, licensed, authorized, or certificated activity would occur. If an activity would occur in more than one county, any county in which the activity would occur is a proper place for an action.*

(2)(3) *The proper place of trial for an action against a political subdivision is in the county in which the claim arose or in any county where the political subdivision is located.”*

Section 10. Section 30-14-111, MCA, is amended to read:

“30-14-111. Department to restrain unlawful acts. (1) Whenever the department has reason to believe that a person is using, has used, or is about to knowingly use any method, act, or practice declared by 30-14-103 to be unlawful and that proceeding would be in the public interest, the department may bring an action in the name of the state against the person to restrain by temporary or permanent injunction or temporary restraining order the use of the unlawful method, act, or practice upon giving appropriate notice to that person.

(2) The notice must state generally the relief sought and be served in accordance with 30-14-115 at least 20 days before the hearing of the action in which the relief sought is a temporary or permanent injunction. The notice for a temporary restraining order is governed by 27-19-315.

(3) An action under this section may be brought in the district court in the county in which a person resides or has the person’s principal place of business or in the district court of Lewis and Clark County *if the person is not a resident of this state or does not maintain a place of business in this state.*

(4) A district court is authorized to issue temporary or permanent injunctions or temporary restraining orders to restrain and prevent violations of this part, and an injunction must be issued without bond.”

Section 11. Section 30-14-1413, MCA, is amended to read:

“30-14-1413. Civil remedies – venue – burden of proof. (1) The sale of any goods or services by an unregistered seller or telemarketer that is required to register is void. A person obtaining a judgment for damages, attorney fees, or costs against a seller or telemarketer pursuant to this section has the right to be reimbursed for those damages, attorney fees, or costs from any bond or security posted by the seller or telemarketer pursuant to the provisions of 30-14-1404.

(2) A person that suffers a loss or harm as a result of an unfair and deceptive act or practice or a prohibited act or practice is entitled to recover actual damages or \$500, whichever is greater, attorney fees, court costs, and any other remedies provided by law.

(3) In addition to the remedies provided in subsection (2), a person that suffers harm as a result of an abusive act or practice is entitled to receive injunctive or declaratory relief.

(4) (a) The department or a county attorney, on behalf of state residents who have suffered a loss or harm as a result of a violation of this part, may seek any remedy provided by Title 30, chapter 14, part 1.

(b) The proper place for trial for an action based on a claim of a violation of this part is the district court of ~~Lewis and Clark County~~ or *in* the county in which the alleged violation occurred.

(5) In a civil proceeding alleging a violation of this part, the burden of proving an exemption under 30-14-1405 or an exception to a definition contained in 30-14-1403 is on the person claiming the exemption or exception.”

Section 12. Section 31-1-726, MCA, is amended to read:

“31-1-726. Investigations by department – subpoenas – oaths – examination of witnesses and evidence. (1) The department may investigate any matter, upon complaint or otherwise, if it appears that a person has engaged in or offered to engage in any act or practice that is in violation of any provision of this part or any rule adopted or order issued by the department pursuant to this part.

(2) The department may issue subpoenas to compel the attendance of witnesses and the production of documents, papers, books, records, and other evidence before it in any matter over which it has jurisdiction, control, or supervision pertaining to this part. The department may administer oaths and affirmations to a person whose testimony is required.

(3) If a person refuses to obey a subpoena or to give testimony or produce evidence as required by the subpoena, a judge of the district court of ~~Lewis and Clark County~~ or *in* the county in which the licensed premises ~~are located or the person’s principal place of business is located or where the person resides~~ may, upon application and proof of the refusal, issue a subpoena or subpoena duces tecum for the witness to appear before the department to give testimony and produce evidence as may be required. The clerk of court shall then issue the subpoena, as directed, under the seal of the court, requiring the person to whom it is directed to appear at the time and place designated in the subpoena.

(4) If a person served with a subpoena refuses to obey the subpoena or to give testimony or produce evidence as required by the subpoena, the department may proceed under the contempt provisions of Title 3, chapter 1, part 5.

(5) Failure to comply with a court-ordered subpoena is punishable pursuant to 45-7-309.”

Section 13. Section 32-1-912, MCA, is amended to read:

“32-1-912. Enforcement of notices or orders. The director may apply to the district court of the county in which the home office of the institution is located or to the district court for Lewis and Clark County *if the institution does not have a home office in this state* for the enforcement of any effective and outstanding notice or order issued under this part. The court has jurisdiction to require compliance therewith.”

Section 14. Section 32-5-402, MCA, is amended to read:

“32-5-402. Investigations by department – subpoenas – oaths – examination of witnesses and evidence. (1) The department may at any time investigate any transaction with borrowers and may examine the books, accounts, and records to discover violations of this chapter by:

(a) a licensee; or

(b) a person who the department has reason to believe is violating or is about to violate this chapter.

(2) The department or the department’s authorized representatives must be given free access to the offices and places of business and files of all licensees. The department may investigate any matter, upon complaint or otherwise, if it

appears that a person has engaged in or offered to engage in any act or practice that is in violation of any provision of this chapter or any rule adopted or order issued by the department pursuant to this chapter.

(3) The department may issue subpoenas to compel the attendance of witnesses and the production of documents, papers, books, records, and other evidence before it in any matter over which it has jurisdiction, control, or supervision pertaining to this chapter. The department may administer oaths and affirmations to a person whose testimony is required.

(4) If a person refuses to obey a subpoena or to give testimony or produce evidence as required by the subpoena, a judge of the district court of ~~Lewis and Clark County~~ *or in the county in which the licensed premises are located or in the district court of Lewis and Clark County if no licensed premises are maintained in the state* may, upon application and proof of the refusal, issue a subpoena or subpoena duces tecum for the witness to appear before the department to give testimony and produce evidence as may be required. The clerk of court shall then issue the subpoena, as directed, under the seal of the court, requiring the person to whom it is directed to appear at the time and place designated in the subpoena.

(5) If a person served with a subpoena refuses to obey the subpoena or to give testimony or produce evidence as required by the subpoena, the department may proceed under the contempt provisions of Title 3, chapter 1, part 5.

(6) Failure to comply with the requirements of a court-ordered subpoena is punishable pursuant to 45-7-309."

Section 15. Section 33-1-804, MCA, is amended to read:

"33-1-804. Civil penalty – civil action for collection of penalty.

(1) A health carrier or a managed care organization violating 33-1-802 or 33-1-803 is subject to a civil penalty, as provided in 33-1-317, for each violation. Each day of violation constitutes a separate violation for the purposes of this section.

(2) In addition to other enforcement methods provided by law, the commissioner may bring a civil action ~~in the district court of the first judicial district~~ *in the district court in the county in which the violation occurred* to collect the civil penalty provided for in subsection (1) from a person violating a provision of this part. *If the violation occurred in more than one county, any county in which the violation occurred is a proper venue for a civil action.* An amount collected by the commissioner pursuant to this section must be deposited in the general fund."

Section 16. Section 37-1-332, MCA, is amended to read:

"37-1-332. Administrative proceedings to stop unlicensed practice – board of realty regulation – state electrical board – board of plumbers. (1) For purposes of this section, the term "board" means the board of realty regulation provided for in 2-15-1757, the state electrical board provided for in 2-15-1764, or the board of plumbers provided for in 2-15-1765.

(2) (a) After investigation under 37-1-317, the board may establish a screening panel to determine if there is reasonable cause to believe a person has engaged in or is engaging in any act or practice constituting unlicensed practice of a profession or occupation.

(b) If reasonable cause is found under subsection (2)(a), the board may initiate a contested case proceeding against the person pursuant to the Montana Administrative Procedure Act in Title 2, chapter 4, part 6.

(3) Following a contested case proceeding, the board may apply any of the following sanctions to a person found to have engaged in the unlicensed practice of a profession or occupation:

(a) impose a civil penalty not to exceed \$1,500 for each violation and not to exceed a total of \$5,000 for all related violations; and

(b) require the person to pay up to \$5,000 for the costs of the administrative proceedings, including but not limited to costs allowable under Title 25, chapter 10, but excluding the costs of investigation and the board's attorney fees.

(4) Judicial review of any contested case under this section must be filed ~~with the first judicial district or~~ in the district where the violation occurred, pursuant to the Montana Administrative Procedure Act in Title 2, chapter 4, part 7.

(5) The remedies provided by this section are in addition to all other remedies or actions that may be taken, including those authorized by 37-1-317. The remedies provided by this section may not be applied either to licensees or to employees of licensees."

Section 17. Section 37-7-1513, MCA, is amended to read:

"37-7-1513. Unlawful acts – sanctions – civil penalties. (1) A pharmacist who fails to submit prescription drug order information to the board as required by 37-7-1503 or who willfully submits incorrect prescription drug order information must be referred to the board for consideration of administrative sanctions.

(2) A person or entity authorized to possess registry information pursuant to 37-7-1504 through 37-7-1506 who willfully discloses or uses the registry information in violation of 37-7-1504 through 37-7-1506 or a rule adopted pursuant to this part must be referred to the appropriate licensing board or regulatory agency for consideration of administrative sanctions.

(3) In addition to the administrative sanction provided in subsection (2), a person or entity who willfully discloses or uses information from the registry in violation of 37-7-1504 through 37-7-1506 or a rule adopted pursuant to this part is liable for a civil penalty of up to \$10,000 for each violation.

(4) The board may institute and maintain in the name of the state any enforcement proceedings under this section. Upon request of the department, the attorney general shall petition the district court to impose, assess, and recover the civil penalty.

(5) An action under subsection (3) or to enforce this part or a rule adopted under this part may be brought in the district court of any county where a violation occurs ~~or, if mutually agreed on by the parties in the action, in the district court of the first judicial district.~~

(6) Civil penalties collected pursuant to this part must be deposited into the state special revenue account created pursuant to 37-7-1511 and must be used to defray the expenses of the board in establishing and maintaining the registry and in discharging its administrative and regulatory duties in relation to this part."

Section 18. Section 50-5-112, MCA, is amended to read:

"50-5-112. Civil penalties. (1) A person who commits an act prohibited by 50-5-111 is subject to a civil penalty not to exceed \$1,000 for each day that a facility is in violation of a provision of part 1 or 2 of this chapter or of a rule, license provision, or order adopted or issued pursuant to part 1 or 2. The department or, upon request of the department, the county attorney of the county in which the health care facility in question is located may petition the court to impose the civil penalty. Venue for an action to collect a civil penalty pursuant to this section is in the county in which the facility is located ~~or in the first judicial district.~~

(2) In determining the amount of penalty to be assessed for an alleged violation under this section, the court shall consider:

- (a) the gravity of the violation in terms of the degree of physical or mental harm to a resident or patient;
 - (b) the degree of harm to the health, safety, rights, security, or welfare of a resident or patient;
 - (c) the degree of deviation committed by the facility from a requirement imposed by part 1 or 2 of this chapter or by a rule, license provision, or order adopted or issued pursuant to part 1 or 2; and
 - (d) other matters as justice may require.
- (3) A penalty collected under this section must be deposited in the state general fund.
- (4) In addition to or exclusive of the remedy provided in subsection (1), the department may pursue remedies available for a violation, as provided for in 50-5-108, or any other remedies available to it.”

Section 19. Section 50-5-113, MCA, is amended to read:

“50-5-113. Criminal penalties. (1) A person is guilty of a criminal offense under this section if the person knowingly conceals material information about the operation of the facility or does any of the following and by doing so threatens the health or safety of one or more individuals entrusted to the care of the person:

- (a) commits an act prohibited by 50-5-111;
- (b) omits material information or makes a false statement or representation in an application, record, report, or other document filed, maintained, or used for compliance with the provisions of part 1 or 2 of this chapter or with rules, license provisions, or orders adopted or issued pursuant to part 1 or 2; or
- (c) destroys, alters, conceals, or fails to file or maintain any record, information, or application required to be maintained or filed in compliance with a provision of part 1 or 2 of this chapter or in compliance with a rule, license provision, or order adopted or issued pursuant to part 1 or 2.

(2) A person convicted under subsection (1) is subject to a fine of not more than \$1,000 for the first offense and not more than \$2,000 for each subsequent offense for each day that a facility is in violation of a provision of part 1 or 2 of this chapter or of a rule, license provision, or order adopted or issued pursuant to part 1 or 2.

(3) In determining the amount of penalty to be assessed for an alleged violation under this section, the court shall consider:

- (a) the gravity of the violation in terms of the degree of physical or mental harm to a resident or patient;
- (b) the degree of harm to the health, safety, rights, security, or welfare of a resident or patient;
- (c) the degree of deviation committed by the facility from a requirement imposed by part 1 or 2 of this chapter or by a rule, license provision, or order adopted or issued pursuant to part 1 or 2; and
- (d) other matters as justice may require.

(4) Prosecution under this section does not bar enforcement under any other section of this chapter or pursuit of any other appropriate remedy by the department.

(5) Venue for prosecution pursuant to this section is in the county in which the facility is located ~~or in the first judicial district.~~

(6) A penalty collected under this section must be deposited in the state general fund.”

Section 20. Section 50-6-504, MCA, is amended to read:

“50-6-504. Enforcement – cessation order – hearing – injunction.

(1) If the department receives information that an AED is being used in violation of this part or a rule adopted by the department pursuant to 50-6-503, it may

send a written order to the entity responsible for use of the AED, as specified in the plan prepared pursuant to 50-6-502, ordering the entity to cease the violation immediately. The order is effective upon receipt by the entity, and the entity shall comply with the terms of the order. If the department receives information that the violation has been corrected, the department may rescind its order by sending a notice to that effect to the entity. The rescission is effective upon its receipt by the entity.

(2) The entity may request a hearing to contest an order issued by the department pursuant to subsection (1) by submitting a written request to the department within 30 days after receipt of the order. A request for a hearing does not stay the enforceability of the department's order. The hearing must be held within 30 days after the department receives the request, unless the hearings officer sets a later date for good cause. The hearing must be held pursuant to the contested case provisions of the Montana Administrative Procedure Act.

(3) Either the county attorney for the county in which the violation occurred or the department may bring an action in the district court of the county where the violation occurred ~~or in the district court for Lewis and Clark County~~ to enforce the department's order or to directly enjoin a violation of this part or a rule adopted pursuant to 50-6-503."

Section 21. Section 50-30-102, MCA, is amended to read:

"50-30-102. Definitions. In this chapter, the following definitions apply:

(1) "Commerce" means all commerce within this state and subject to the jurisdiction of this state and includes the operation of any business or service establishment.

(2) "Court" means, ~~in 50-30-220, the district court for the first judicial district and, in 50-30-306 and 50-30-307, the district court in the district where~~ the violation occurs.

(3) "Department" means the department of public health and human services provided for in 2-15-2201.

(4) "Person" includes an individual, partnership, corporation, or association or its legal representative or agent."

Section 22. Section 53-9-131, MCA, is amended to read:

"53-9-131. Appeals. After the office has made final determination concerning any matter relating to a claim, if the claimant disputes the office's determination, the claimant may appeal to the district court for the county in which the claimant resides ~~or Lewis and Clark County~~ for review. Review on appeal must be in conformity with 2-4-701 through 2-4-704 of the Montana Administrative Procedure Act. The judge, after a hearing, shall make a final determination concerning the dispute and issue an appropriate order affirming, reversing, or modifying the office's determination."

Section 23. Section 61-4-107, MCA, is amended to read:

"61-4-107. Cease and desist order. (1) When the department has reasonable cause to believe, from information furnished to it or from an investigation made by it, that a person is engaged in any business regulated by this part without being licensed as required or if a dealer licensed under this part is conducting an off-premises sale without a permit, as required by 61-4-123(4), it shall immediately issue and serve upon the person, in person or by certified mail, a cease and desist order requiring the person to cease and desist from further engaging in that business or from conducting an off-premises sale without a permit. If the person fails to comply with the order, the department shall file an action in the district court of ~~Lewis and Clark County~~ *the county in which the conduct occurred* to restrain and enjoin the

person from engaging in the business. The court shall proceed in the action as in other actions for injunctions.

(2) When the department has reasonable cause to believe, from an investigation made by it or information furnished to it by a law enforcement officer, that a dealer or wholesaler has been improperly licensed, has used a dealer's license in a manner other than as authorized in this title, has provided a material misstatement of fact in an application for a license, is not qualified as a dealer or wholesaler under the requirements of this title, or has engaged in criminal conduct that renders the dealer or wholesaler unfit for licensure, the department may revoke the dealer's or wholesaler's license."

Section 24. Section 61-8-812, MCA, is amended to read:

"61-8-812. Operation of out-of-service vehicle – criminal and civil penalties – suspension of commercial driver's license. (1) A person may not operate a commercial motor vehicle during any period in which the person, the commercial motor vehicle the person is operating, or the motor carrier operation is subject to an out-of-service order issued under state or federal authority.

(2) A violation of this section is a misdemeanor and a person convicted of a violation of this section shall be fined not less than \$25 or more than \$500 for the first offense and not less than \$25 or more than \$1,000 for each subsequent offense.

(3) (a) In addition to the misdemeanor penalties provided in subsection (2) and suspension of the person's commercial driver's license as provided in subsection (4), a person who violates an out-of-service order issued under state or federal authority is subject to a civil penalty not to exceed \$2,985 for a first offense and a civil penalty of \$5,970 for a second or subsequent offense.

(b) The department or the county attorney of the county in which the violation occurred may petition the district court to impose the civil penalty. Venue for an action to collect a civil penalty pursuant to this section is *in* the county in which the violation occurred ~~or in the first judicial district~~.

(c) A civil penalty collected under this section must be deposited in the state general fund.

(4) Upon receipt of notice from a court of competent jurisdiction or another licensing jurisdiction that a person holding a commercial driver's license has been convicted of violating an out-of-service order, the department shall suspend the person's commercial driver's license for:

(a) 6 months for a first conviction;

(b) 2 years for a second conviction if the vehicle being operated by the person at the time of the violation was not transporting placardable hazardous materials or was not designed or being used to transport more than 15 passengers, inclusive of the driver; and

(c) 3 years:

(i) for a second conviction if the vehicle:

(A) being operated at the time of the violation was transporting placardable hazardous materials; or

(B) was designed or being used to transport more than 15 passengers, inclusive of the driver; and

(ii) for a third or subsequent conviction.

(5) For purposes of this section, an offender is considered to have been previously convicted if less than 10 years have elapsed between the commission of the present offense and a previous conviction.

(6) A temporary or probationary commercial driver's license may not be issued while a commercial driver's license is suspended under subsection (4)."

Section 25. Section 61-8-815, MCA, is amended to read:

“61-8-815. Employer not to permit operation of commercial motor vehicle in violation of state law or federal regulation – criminal and civil penalties. (1) An employer may not knowingly allow, require, permit, or authorize a person to operate a commercial motor vehicle in the United States:

(a) during any period in which the person’s commercial driver’s license has been suspended, revoked, or canceled by a state, the person has lost the privilege to operate a commercial motor vehicle in a state, or the person has been disqualified from operating a commercial motor vehicle;

(b) during any period in which the person has more than one commercial driver’s license;

(c) during any period in which the person, the commercial motor vehicle the person is operating, or the motor carrier operation is subject to an out-of-service order; or

(d) in violation of a federal, state, or local law or regulation pertaining to railroad crossings.

(2) A violation of this section is a misdemeanor, and a person convicted of a violation of this section shall be fined not less than \$25 or more than \$500 for the first offense and not less than \$25 or more than \$1,000 for each subsequent offense.

(3) (a) Except as provided in subsection (3)(b), an employer who violates this section is subject to a civil penalty of not less than \$2,750 or more than \$11,000.

(b) An employer who violates subsection (1)(d) is subject to a civil penalty of not more than \$10,000.

(c) The department or the county attorney of the county in which the violation occurred may petition the district court to impose the civil penalty. Venue for an action to collect a civil penalty pursuant to this section is in the county in which the violation occurred ~~or in the first judicial district.~~

(d) A civil penalty collected under this section must be deposited in the state general fund.”

Section 26. Section 75-1-108, MCA, is amended to read:

“75-1-108. Venue. A proceeding to challenge an action taken pursuant to parts 1 through 3, *10*, and *11* must be brought in the county in which the activity that is the subject of the action is proposed to occur or will occur. If an activity is proposed to occur or will occur in more than one county, the proceeding may be brought in any of the counties in which the activity is proposed to occur or will occur.”

Section 27. Section 75-2-401, MCA, is amended to read:

“75-2-401. Enforcement – notice – order for corrective action – administrative penalty. (1) When the department believes that a violation of this chapter, a rule adopted under this chapter, or a condition or limitation imposed by a permit issued pursuant to this chapter has occurred, it may cause written notice to be served personally or by certified mail on the alleged violator or the violator’s agent. The notice must specify the provision of this chapter, the rule, or the permit condition or limitation alleged to be violated and the facts alleged to constitute a violation. The notice may include an order to take necessary corrective action within a reasonable period of time stated in the order or an order to pay an administrative penalty, or both. The order becomes final unless, within 30 days after the notice is received, the person named requests in writing a hearing before the board. On receipt of the request, the board shall schedule a hearing.

(2) If, after a hearing held under subsection (1), the board finds that violations have occurred, it shall issue an appropriate order for the prevention,

abatement, or control of the emissions involved or for the taking of other corrective action or assess an administrative penalty, or both. As appropriate, an order issued as part of a notice or after a hearing may prescribe the date by which the violation must cease; time limits for particular action in preventing, abating, or controlling the emissions; or the date by which the administrative penalty must be paid. If, after a hearing on an order contained in a notice, the board finds that a violation has not occurred or is not occurring, it shall rescind the order.

(3) (a) An action initiated under this section may include an administrative civil penalty of not more than \$10,000 for each day of each violation, not to exceed a total of \$80,000. If an order issued by the board under this section requires the payment of an administrative civil penalty, the board shall state findings and conclusions describing the basis for its penalty assessment.

(b) Administrative penalties collected under this section must be deposited in the alternative energy revolving loan account established in 75-25-101.

(c) Penalties imposed by an administrative order under this section may not be assessed for any day of violation that occurred more than 2 years prior to the issuance of the initial notice and order by the department under subsection (1).

(d) In determining the amount of penalty to be assessed for an alleged violation under this section, the department or board, as appropriate, shall consider the penalty factors in 75-1-1001.

(e) The department may bring a judicial action to enforce a final administrative order issued pursuant to this section. The action must be filed in the district court of the county in which the violation occurred ~~or, if mutually agreed on by the parties in the action, in the district court of the first judicial district, Lewis and Clark County.~~

(4) The contested case provisions of the Montana Administrative Procedure Act, Title 2, chapter 4, part 6, apply to a hearing conducted under this section.

(5) Instead of issuing the order provided for in subsection (1), the department may either:

(a) require that the alleged violators appear before the board for a hearing at a time and place specified in the notice and answer the charges complained of; or

(b) initiate action under 75-2-412 or 75-2-413.

(6) This chapter does not prevent the board or department from making efforts to obtain voluntary compliance through warning, conference, or any other appropriate means.

(7) In connection with a hearing held under this section, the board may and on application by a party shall compel the attendance of witnesses and the production of evidence on behalf of the parties."

Section 28. Section 75-2-413, MCA, is amended to read:

"75-2-413. Civil penalties – venue – effect of action – presumption of continuing violation under certain circumstances. (1) (a) A person who violates any provision of this chapter, a rule adopted under this chapter, or any order or permit made or issued under this chapter is subject to a civil penalty not to exceed \$10,000 for each violation. Each day of each violation constitutes a separate violation. The department may institute and maintain in the name of the state any enforcement proceedings under this section. Upon request of the department, the attorney general or the county attorney of the county of violation shall petition the district court to impose, assess, and recover the civil penalty. The civil penalty is in lieu of the criminal penalty

provided for in 75-2-412, except for civil penalties for violation of the operating permit program required by Subchapter V of the federal Clean Air Act.

(b) Penalties assessed under this subsection (1) must be determined in accordance with the penalty factors in 75-1-1001.

(2) (a) Action under subsection (1) is not a bar to enforcement of this chapter or of a rule, order, or permit made or issued under this chapter by injunction or other appropriate civil remedies.

(b) An action under subsection (1) or to enforce this chapter or a rule, order, or permit made or issued under this chapter may be brought in the district court of any county where a violation occurs or is threatened ~~or, if mutually agreed on by the parties in the action, in the district court of the first judicial district, Lewis and Clark County.~~

(3) If the department has notified a person operating a commercial hazardous waste incinerator of a violation and if the department makes a prima facie showing that the conduct or events giving rise to the violations are likely to have continued or recurred past the date of notice, the days of violation are presumed to include the date of the notice and every day after the notice until the person establishes that continuous compliance has been achieved. This presumption may be overcome to the extent that the person operating a commercial hazardous waste incinerator can prove by a preponderance of evidence that there were intervening days when a violation did not occur, that the violation was not continuing in nature, or that the telemetering device was compromised or otherwise tampered with.

(4) Money collected under this section must be deposited in the alternative energy revolving loan account established in 75-25-101. This subsection does not apply to money collected by an approved local air pollution control program.”

Section 29. Section 75-2-514, MCA, is amended to read:

“75-2-514. Civil penalties – venue for actions to recover. (1) (a) A district court may assess a civil penalty of not more than \$25,000 a day upon a person that violates any provision of this part, a rule adopted under this part, or a permit or order issued under this part. In the case of a continuing violation, each day the violation continues constitutes a separate violation.

(b) Penalties assessed under this subsection (1) must be determined in accordance with the penalty factors in 75-1-1001.

(2) An action under this section is not a bar to enforcement by injunction or other appropriate civil or administrative remedies.

(3) Penalties provided for in subsection (1) are recoverable in an action brought by the department. The action must be filed in the district court of the county in which the violation occurred ~~or, if mutually agreed on by the parties in the action, in the district court of the first judicial district, Lewis and Clark County.~~”

Section 30. Section 75-5-611, MCA, is amended to read:

“75-5-611. Violation of chapter – administrative actions and penalties – notice and hearing. (1) When the department has reason to believe that a violation of this chapter, a rule adopted under this chapter, or a condition of a permit or authorization required by a rule adopted under this chapter has occurred, it may have a written notice letter served personally or by certified mail on the alleged violator or the violator’s agent. The notice letter must state:

- (a) the provision of statute, rule, permit, or approval alleged to be violated;
- (b) the facts alleged to constitute the violation;
- (c) the specific nature of corrective action that the department requires;

(d) as applicable, the amount of the administrative penalty that will be assessed by order under subsection (2) if the corrective action is not taken within the time provided under subsection (1)(e); and

(e) as applicable, the time within which the corrective action is to be taken or the administrative penalty will be assessed. For the purposes of this chapter, service by certified mail is complete on the date of receipt. Except as provided in subsection (2)(a)(ii), an administrative penalty may not be assessed until the provisions of subsection (1) have been complied with.

(2) (a) The department may issue an administrative notice and order in lieu of the notice letter provided under subsection (1) if the department's action:

(i) does not involve assessment of an administrative penalty; or

(ii) seeks an administrative penalty only for an activity that it believes and alleges has violated or is violating 75-5-605.

(b) A notice and order issued under this section must meet all of the requirements specified in subsection (1).

(3) In a notice and order given under subsection (1), the department may require the alleged violator to appear before the board for a public hearing and to answer the charges. The hearing must be held no sooner than 15 days after service of the notice and order, except that the board may set an earlier date for hearing if it is requested to do so by the alleged violator. The board may set a later date for hearing at the request of the alleged violator if the alleged violator shows good cause for delay.

(4) If the department does not require an alleged violator to appear before the board for a public hearing, the alleged violator may request the board to conduct the hearing. The request must be in writing and must be filed with the department no later than 30 days after service of a notice and order under subsection (2). If a request is filed, a hearing must be held within a reasonable time. If a hearing is not requested within 30 days after service upon the alleged violator, the opportunity for a contested case appeal to the board under Title 2, chapter 4, part 6, is waived.

(5) If a contested case hearing is held under this section, it must be public and must be held in the county in which the violation is alleged to have occurred ~~or in Lewis and Clark County~~.

(6) (a) After a hearing, the board shall make findings and conclusions that explain its decision.

(b) If the board determines that a violation has occurred, it shall also issue an appropriate order for the prevention, abatement, or control of pollution, the assessment of administrative penalties, or both.

(c) If the order requires abatement or control of pollution, the board shall state the date or dates by which a violation must cease and may prescribe timetables for necessary action in preventing, abating, or controlling the pollution.

(d) If the order requires payment of an administrative penalty, the board shall explain how it determined the amount of the administrative penalty.

(e) If the board determines that a violation has not occurred, it shall declare the department's notice void.

(7) The alleged violator may petition the board for a rehearing on the basis of new evidence, which petition the board may grant for good cause shown.

(8) Instead of issuing an order, the board may direct the department to initiate appropriate action for recovery of a penalty under 75-5-631, 75-5-632, 75-5-633, or 75-5-635.

(9) (a) Except as provided in subsection (9)(d), an action initiated under this section may include an administrative penalty of not more than \$10,000

for each day of each violation; however, the maximum penalty may not exceed \$100,000 for any related series of violations.

(b) Administrative penalties collected under this section must be deposited in the general fund.

(c) In determining the amount of penalty to be assessed to a person, the department and board shall consider the penalty factors in 75-1-1001, rules promulgated under 75-5-201, and subsection (9)(d).

(d) A person who commits a violation that adversely affects the department's administration of this chapter, a rule adopted pursuant to this chapter, or a condition of a permit or authorization issued under this chapter but does not harm or have the potential to harm human health, the environment, or the department's ability to protect human health or the environment may not be assessed a penalty of more than \$500 for each day of the violation, not to exceed \$5,000 for all days of the same violation.

(e) The contested case provisions of the Montana Administrative Procedure Act, provided for in Title 2, chapter 4, part 6, apply to a hearing conducted under this section."

Section 31. Section 75-5-631, MCA, is amended to read:

"75-5-631. Civil penalties – injunctions not barred – venue. (1) In an action initiated by the department to collect civil penalties against a person who is found to have violated this chapter or a rule, permit, effluent standard, or order issued under the provisions of this chapter, the person is subject to a civil penalty not to exceed \$25,000. Each day of violation constitutes a separate violation.

(2) Action under this section does not bar enforcement of this chapter or of rules or orders issued under it by injunction or other appropriate remedy.

(3) The department shall institute and maintain enforcement proceedings in the name of the state. Penalties are recoverable in an action brought by the department. The action must be brought in the district court of the county in which the violation occurred ~~or, if mutually agreed on by the parties in the action, in the district court of the first judicial district, Lewis and Clark County.~~

(4) In determining the amount of penalties under this section, the district court shall take into account the penalty factors in 75-1-1001."

Section 32. Section 75-6-114, MCA, is amended to read:

"75-6-114. Civil penalty. (1) In an action initiated by the department to collect civil penalties against a person who is found to have violated this part or a rule, order, or condition of approval issued under this part, the person is subject to a civil penalty not to exceed \$10,000. The action must be filed in the district court of the county in which the violation occurred ~~or, if mutually agreed on by the parties in the action, in the district court of the first judicial district, Lewis and Clark County.~~

(2) Each day of violation constitutes a separate violation.

(3) Action under this section does not bar enforcement of this part or a rule, order, or condition of approval issued under this part by injunction or other appropriate remedy.

(4) When seeking penalties under this section, the department shall take into account the penalty factors in 75-1-1001 in determining an appropriate settlement or judgment, as appropriate.

(5) Civil penalties collected pursuant to this section must be deposited in the state general fund."

Section 33. Section 75-10-228, MCA, is amended to read:

"75-10-228. Civil penalties. (1) A person who violates a provision of this part, a rule adopted or an order issued under this part, or a license provision is

subject to an administrative penalty not to exceed \$250 or a civil penalty not to exceed \$1,000. Each day of violation constitutes a separate violation.

(2) The department may institute and maintain in the name of the state any enforcement proceedings under this section. The enforcement or collection action must be brought in the district court of the county in which the violation occurred ~~or, if mutually agreed upon by the parties, in the district court of the first judicial district, Lewis and Clark County.~~ Upon request of the department, the attorney general or the county attorney of the county where the violation occurred shall petition the district court to impose, assess, and recover the civil penalty.

(3) Penalties assessed under this section must be determined in accordance with the penalty factors in 75-1-1001.

(4) Fines and penalties collected under this section must be deposited in the solid waste management account provided for in 75-10-117.”

Section 34. Section 75-10-417, MCA, is amended to read:

“75-10-417. Civil penalties. (1) A person who violates any provision of this part, a rule adopted under this part, an order of the department or the board, or a permit is subject to a civil penalty not to exceed \$10,000 for each violation. Each day of violation constitutes a separate violation. Penalties assessed under this section must be determined in accordance with the penalty factors in 75-1-1001.

(2) The department may institute and maintain in the name of the state any enforcement proceedings under this section. Upon request of the department, the attorney general or the county attorney of the county of violation shall petition the district court to impose, assess, and recover the civil penalty. An action to recover penalties must be brought in the district court of the county in which the violation occurred ~~or, if mutually agreed on by the parties in the action, in the district court of the first judicial district, Lewis and Clark County.~~

(3) Action under this section does not bar:

(a) enforcement of this part, rules adopted under this part, orders of the department or the board, or permits by injunction or other appropriate remedy; or

(b) action under 75-10-418.

(4) Money collected under this section must be deposited in the state general fund.”

Section 35. Section 75-10-424, MCA, is amended to read:

“75-10-424. Administrative penalty. (1) The department may assess a person who violates a provision of this part or a rule adopted under this part an administrative penalty, not to exceed \$10,000 for each violation. Each day of violation constitutes a separate violation, but the maximum penalty may not exceed \$100,000 for any related series of violations. Assessment of an administrative penalty under this section must be made in conjunction with an order or administrative action authorized by this chapter.

(2) An administrative penalty may not be assessed under this section unless the alleged violator is given notice and opportunity for a hearing before the board pursuant to Title 2, chapter 4, part 6.

(3) In determining the appropriate amount of an administrative penalty, the department shall consider the penalty factors in 75-1-1001.

(4) If the department is unable to collect the administrative penalty or if a person fails to pay all or any portion of the administrative penalty as determined by the department, the department may file an action to recover the amount not paid. The action must be brought in the district court of the county in which the violation occurred ~~or, if mutually agreed on by the parties~~

~~in the action, in the district court of the first judicial district, Lewis and Clark County.~~

(5) Action under this section does not bar action under 75-10-413 through 75-10-418 or any other appropriate remedy.

(6) Administrative penalties collected under this section must be deposited in the state general fund."

Section 36. Section 75-10-542, MCA, is amended to read:

"75-10-542. Penalties. (1) A person who purposely or knowingly violates this part, except 75-10-520, is guilty of a misdemeanor and upon conviction shall be fined an amount not to exceed \$250, be imprisoned in the county jail for a term not to exceed 30 days, or both.

(2) A person who violates a provision of this part, except 75-10-520, a rule of the department, or an order issued as provided in this part is subject to an administrative penalty of not more than \$50 or a civil penalty of not more than \$250. Each day upon which a violation of this part, a rule, or an order occurs is a separate violation.

(3) Penalties assessed under subsection (2) must be determined in accordance with the penalty factors in 75-1-1001. The penalties provided for in this section are recoverable in an enforcement or collection action brought by the department. An action to recover penalties must be brought in the district court of the county in which the violation occurred ~~or, if mutually agreed on by the parties in the action, in the district court of the first judicial district, Lewis and Clark County.~~"

Section 37. Section 75-10-711, MCA, is amended to read:

"75-10-711. Remedial action -- orders -- penalties -- judicial proceedings. (1) The department may take remedial action whenever:

(a) there has been a release or there is a substantial threat of a release into the environment that may present an imminent and substantial endangerment to the public health, safety, or welfare or to the environment; and

(b) none of the persons who are liable or potentially liable under 75-10-715(1) and who have been given the opportunity by letter to properly and expeditiously perform the appropriate remedial action will properly and expeditiously perform the appropriate remedial action. Any person liable under 75-10-715(1) shall take immediate action to contain, remove, and abate the release.

(2) Whenever the department is authorized to act pursuant to subsection (1) or has reason to believe that a release has occurred or is about to occur, the department may undertake remedial action in the form of any investigation, monitoring, survey, testing, or other information gathering as authorized by 75-10-707 that is necessary and appropriate to identify the existence, nature, origin, and extent of the release or the threat of release and the extent and imminence of the danger to the public health, safety, or welfare or to the environment.

(3) Except as provided in 75-10-712, the department is authorized to draw on the fund to take action under subsection (1) if it has made diligent good faith efforts to determine the identity of the person or persons liable for the release or threatened release and:

(a) is unable to determine the identity of the liable person or persons in a manner consistent with the need to take timely remedial action; or

(b) a person or persons determined by the department to be liable or potentially liable under 75-10-715(1) have been informed in writing of the department's determination and have been requested by the department to take appropriate remedial action but are unable or unwilling to take action in a timely manner; and

(c) the written notice informs the person that if subsequently found liable pursuant to 75-10-715(1), the person may be required to reimburse the fund for the state's remedial action costs and may be subject to penalties pursuant to this part.

(4) Whenever the department is authorized to act pursuant to subsection (1), it may issue to any person liable under 75-10-715(1) cease and desist, remedial, or other orders as may be necessary or appropriate to protect the public health, safety, or welfare or the environment.

(5) (a) A person who violates or fails to comply with or refuses to comply with an order issued under 75-10-707 or this section may, in an action brought to enforce the order, be assessed a civil penalty of not more than \$10,000 for each day in which a violation occurs or a failure or refusal to comply continues. In determining the amount of any penalty assessed, the court may take into account:

- (i) the nature, circumstances, extent, and gravity of the noncompliance;
- (ii) with respect to the person liable under 75-10-715(1):
 - (A) the person's ability to pay;
 - (B) any prior history of violations;
 - (C) the degree of culpability; and
 - (D) the economic benefit or savings, if any, resulting from the noncompliance; and
- (iii) any other matters as justice may require.

(b) Civil penalties collected under subsection (5)(a) must be deposited into the environmental quality protection fund established in 75-10-704.

(6) A court has jurisdiction to review an order issued under 75-10-707 or this section only in the following actions:

- (a) an action under 75-10-715 to recover remedial action costs or penalties or for contribution;
- (b) an action to enforce an order issued under 75-10-707 or this section;
- (c) an action to recover a civil penalty for violation of or failure or refusal to comply with an order issued under 75-10-707 or this section; or
- (d) an action by a person to whom an order has been issued to determine the validity of the order, only if the person has been in compliance and continues in compliance with the order pending a decision of the court.

(7) In considering objections raised in a judicial action regarding orders issued under this part, the court shall uphold and enforce an order issued by the department unless the objecting party can demonstrate, on the administrative record, that the department's decision to issue the order was arbitrary and capricious or otherwise not in accordance with law.

(8) Instead of issuing a notification or an order under this section, the department may bring an action for legal or equitable relief in the district court of the county where the release or threatened release occurred ~~or in the first~~ judicial district as may be necessary to abate any imminent and substantial endangerment to the public health, safety, or welfare or to the environment resulting from the release or threatened release.

(9) A person who is not subject to an administrative or judicial order may not conduct any remedial action at any facility that is subject to an administrative or judicial order issued pursuant to this part without the written permission of the department. If a state or federal administrative or judicial order is issued relative to a facility, the order and any remedial activity conducted pursuant to the order may be admissible in a civil action pertaining to the facility or property adjacent to or allegedly impacted by the facility provided that the reviewing court in its discretion determines the order to be relevant and more probative than prejudicial. Admission of this evidence

does not make the department a necessary party to the action. Remedial action performed in accordance with this part is intended to provide for the protection of the environmental life support system from degradation and to prevent unreasonable depletion and degradation of natural resources.

(10) The department may take remedial action pursuant to subsection (1) at a site that is regulated under the federal Comprehensive Environmental Response, Compensation, and Liability Act of 1980, Public Law 96-510, if the department determines that remedial action is necessary to carry out the purposes of this part.

(11) The department may take remedial action as provided for in 75-10-743(12)."

Section 38. Section 75-10-715, MCA, is amended to read:

"75-10-715. Liability – reimbursement and penalties – proceedings – defenses and exclusions. (1) Except as provided in 70-30-323 and 75-10-742 through 75-10-751, notwithstanding any other provision of law, and subject only to the defenses set forth in subsection (5) and the exclusions set forth in subsection (7), the following persons are jointly and severally liable for a release or threatened release of a hazardous or deleterious substance from a facility:

(a) a person who owns or operates a facility where a hazardous or deleterious substance was disposed of;

(b) a person who at the time of disposal of a hazardous or deleterious substance owned or operated a facility where the hazardous or deleterious substance was disposed of;

(c) a person who generated, possessed, or was otherwise responsible for a hazardous or deleterious substance and who, by contract, agreement, or otherwise, arranged for disposal or treatment of the substance or arranged with a transporter for transport of the substance for disposal or treatment; and

(d) a person who accepts or has accepted a hazardous or deleterious substance for transport to a disposal or treatment facility.

(2) A person identified in subsection (1) is liable for the following costs:

(a) all remedial action costs incurred by the state; and

(b) damages for injury to, destruction of, or loss of natural resources caused by the release or threatened release, including the reasonable technical and legal costs of assessing and enforcing a claim for the injury, destruction, or loss resulting from the release, unless the impaired natural resources were specifically identified as an irreversible and irretrievable commitment of natural resources in an approved final state or federal environmental impact statement or other comparable approved final environmental analysis for a project or facility that was the subject of a governmental permit or license and the project or facility was being operated within the terms of its permit or license.

(3) If the person liable under subsection (1) fails, without sufficient cause, to comply with a department order issued pursuant to 75-10-711(4) or to properly provide remedial action upon notification by the department pursuant to 75-10-711(3), the person may be liable for penalties in an amount not to exceed two times the amount of any costs incurred by the state pursuant to this section.

(4) The department may initiate civil proceedings in district court to recover remedial action costs, natural resource damages, or penalties under subsections (1), (2), and (3). Proceedings to recover costs and penalties must be conducted in accordance with 75-10-722. Venue for any action to recover costs, damages, or penalties lies in the county where the release occurred or

where the person liable under subsection (1) resides or has its principal place of business ~~or in the district court of the first judicial district.~~

(5) A person has a defense and is not liable under subsections (1), (2), and (3) if the person can establish by a preponderance of the evidence that:

(a) the department failed to provide notice to the person claiming the defense when required by 75-10-711. Establishment of this defense only prohibits the department from collecting those costs incurred or encumbered by the department prior to providing notice to the person and does not provide the person a defense to any other liability.

(b) the release did not emanate from any vessel, vehicle, or facility to which the person contributed any hazardous or deleterious substance or over which the person had any ownership, authority, or control and was not caused by any action or omission of the person;

(c) the release or threatened release occurred solely as a result of:

(i) an act or omission of a third party other than either an employee or agent of the person; or

(ii) an act or omission of a third party other than one whose act or omission occurs in connection with a contractual relationship, existing directly or indirectly, with the person, if the person establishes by a preponderance of the evidence that the person:

(A) exercised due care with respect to the hazardous or deleterious substance concerned, taking into consideration the characteristics of the hazardous or deleterious substance in light of all relevant facts and circumstances; and

(B) took precautions against foreseeable acts or omissions of a third party and the consequences that could foreseeably result from those acts or omissions;

(d) the release or threatened release occurred solely as the result of an act of God or an act of war;

(e) the release or threatened release was from a facility for which a permit had been issued by the department, the hazardous or deleterious substance was specifically identified in the permit, and the release was within the limits allowed in the permit;

(f) in the case of assessment of penalties under subsection (3), factors beyond the control of the person prevented the person from taking timely remedial action; or

(g) the person transported only household refuse, unless that person knew or reasonably should have known that the hazardous or deleterious substance was present in the refuse.

(6) (a) For the purpose of subsection (5)(c)(ii), the term “contractual relationship” includes but is not limited to land contracts, deeds, or other instruments transferring title or possession, unless the real property on which the facility is located was acquired by the person after the disposal or placement of the hazardous or deleterious substance on, in, or at the facility and one or more of the following circumstances is also established by the person by a preponderance of the evidence:

(i) At the time the person acquired the facility, the person did not know and had no reason to know that a hazardous or deleterious substance that is the subject of the release or threatened release was disposed of on, in, or at the facility.

(ii) The person is a governmental entity that acquired the facility by escheat, lien foreclosure, or through any other involuntary transfer or acquisition or through the exercise of eminent domain authority by purchase or condemnation pursuant to Title 70, chapter 30.

(iii) The person acquired the facility by inheritance or bequest.

(b) In addition to establishing one or more of the circumstances in subsection (6)(a)(i) through (6)(a)(iii), the person shall establish that the person has satisfied the requirements of subsection (5)(c)(i) or (5)(c)(ii).

(c) To establish that the person had no reason to know, as provided in subsection (6)(a)(i), the person must have undertaken, at the time of acquisition, all appropriate inquiry into the previous ownership and uses of the property consistent with good commercial or customary practice in an effort to minimize liability. For purposes of assessing this inquiry, the following must be taken into account:

(i) any specialized knowledge or experience on the part of the person;

(ii) the relationship of the purchase price to the value of the property if uncontaminated;

(iii) commonly known or reasonably ascertainable information about the property;

(iv) the obviousness of the presence or the likely presence of contamination on the property; and

(v) the ability to detect the contamination by appropriate inspection.

(d) (i) Subsections (5)(b) and (5)(c) or this subsection (6) may not diminish the liability of a previous owner or operator of the facility who would otherwise be liable under this part.

(ii) Notwithstanding this subsection (6), if the previous owner or operator obtained actual knowledge of the release or threatened release of a hazardous or deleterious substance at the facility when the person owned the real property and then subsequently transferred ownership of the property to another person without disclosing the knowledge, the previous owner is liable under subsections (1), (2), and (3) and a defense under subsection (5)(b) or (5)(c) is not available to that person.

(e) This subsection (6) does not affect the liability under this part of a person who, by any act or omission, caused or contributed to the release or threatened release of a hazardous or deleterious substance that is the subject of the action relating to the facility.

(7) A person has an exclusion and is not liable under this section if:

(a) the person generated or disposed of only household refuse, unless the person knew or reasonably should have known that the hazardous or deleterious substance was present in the refuse;

(b) the person owns or operates real property where hazardous or deleterious substances have come to be located solely as a result of subsurface migration in an aquifer from a source or sources outside the person's property, provided that the following conditions are met:

(i) the owner or operator did not cause, contribute to, or exacerbate the release or threatened release of any hazardous or deleterious substances through any act or omission. The failure to take affirmative steps to mitigate or address contamination that has migrated from a source outside the owner's or operator's property does not, in the absence of exceptional circumstances, constitute an omission by the owner or operator.

(ii) the person who caused, contributed to, or exacerbated the release or threatened release of any hazardous or deleterious substance is not and was not an agent or employee of the owner or operator and is not or was not in a direct or indirect contractual relationship with the owner or operator, unless the department provides a written determination that an existing or proposed contractual relationship is an insufficient basis to establish liability under this section;

(iii) there is no other basis of liability under subsection (1) for the owner or operator for the release or threatened release of a hazardous or deleterious substance; and

(iv) the owner or operator cooperates with the department and all persons conducting department-approved remedial actions on the property, including granting access and complying with and implementing all required institutional controls;

(c) the person owns or occupies real property of 20 acres or less for residential purposes, provided that the following conditions are met:

(i) the person did not cause, contribute to, or exacerbate the release or threatened release of any hazardous or deleterious substance through any act or omission;

(ii) the person uses or allows the use of the real property for residential purposes. This exclusion does not apply to any person who acquires or develops real property for commercial use or any use other than residential use.

(iii) at the time the person purchased or occupied the real property, there were no visible indications of contamination on the surface of the real property;

(iv) the person cooperates with the department and all persons conducting department-approved remedial actions on the property, including granting access and complying with and implementing all required institutional controls; and

(v) there is no other basis of liability under subsection (1) for the owner or occupier for the release or threatened release of a hazardous or deleterious substance.

(8) A person is liable under this section if the department provides substantial credible evidence that the person fails to satisfy any element of each exclusion in subsections (7)(a) through (7)(c).

(9) The liability of a fiduciary under the provisions of this part for a release or a threatened release of a hazardous or deleterious substance from a facility held in a fiduciary capacity may not exceed the assets held in the fiduciary capacity that are available to indemnify the fiduciary unless the fiduciary is liable under this part independent of the person's ownership or actions taken in a fiduciary capacity.

(10) A person who holds indicia of ownership in a facility primarily to protect a security interest is not liable under subsections (1)(a) and (1)(b) for having participated in the management of a facility within the meaning of 75-10-701(15)(b) because of any one or any combination of the following:

(a) holding an interest in real or personal property when the interest is being held as security for payment or performance of an obligation, including but not limited to a mortgage, deed of trust, lien, security interest, assignment, pledge, or other right or encumbrance against real or personal property that is furnished by the owner to ensure repayment of a financial obligation;

(b) requiring or conducting financial or environmental assessments of a facility or a portion of a facility, making financing conditional upon environmental compliance, or providing environmental information or reports;

(c) monitoring the operations conducted at a facility or providing access to a facility to the department or its agents or to remedial action contractors;

(d) having the mere capacity or unexercised right to influence a facility's management of hazardous or deleterious substances;

(e) giving advice, information, guidance, or direction concerning the administrative and financial aspects, as opposed to day-to-day operational aspects, of a borrower's operations;

(f) providing general information concerning federal, state, or local laws governing the transportation, storage, treatment, and disposal of hazardous or deleterious substances and concerning the hiring of remedial action contractors;

(g) engaging in financial workouts, restructuring, or refinancing of a borrower's obligations;

(h) collecting rent, maintaining utility services, securing a facility from unauthorized entry, or undertaking other activities to protect or preserve the value of the security interest in a facility;

(i) extending or denying credit to a person owning or in lawful possession of a facility;

(j) in an emergency, requiring or undertaking activities to prevent exposure of persons to hazardous or deleterious substances or to contain a release;

(k) requiring or conducting remedial action in response to a release or threatened release if prior notice is given to the department and the department approves of the remedial action; or

(l) taking title to a facility by foreclosure, provided that the holder of indicia of ownership, from the time the holder acquires title, undertakes to sell, re-lease property held pursuant to a lease financing transaction (whether by a new lease financing transaction or substitution of the lessee), or otherwise divest itself of the property in a reasonably expeditious manner, using whatever commercially reasonable means are relevant or appropriate with respect to the facility and taking all facts and circumstances into consideration and provided that the holder does not:

(i) outbid or refuse a bid for fair consideration for the property or outbid or refuse a bid that would effectively compensate the holder for the amount secured by the facility;

(ii) worsen the contamination at the facility;

(iii) incur liability under subsection (1)(c) or (1)(d) by arranging for disposal of or transporting hazardous or deleterious substances; or

(iv) engage in conduct described in subsection (11).

(11) The protection from liability provided in subsections (9) and (10) is not available to a fiduciary or to a person holding indicia of ownership primarily to protect a security interest if the fiduciary or person through affirmative conduct:

(a) causes or contributes to a release of hazardous or deleterious substances from the facility;

(b) allows others to cause or contribute to a release of hazardous or deleterious substances; or

(c) in the case of a person holding indicia of ownership primarily to protect a security interest, actually participates in the management of a facility by:

(i) exercising decisionmaking control over environmental compliance; or

(ii) exercising control at a level comparable to that of a manager of the enterprise with responsibility for day-to-day decisionmaking either with respect to environmental compliance or substantially all of the operational, as opposed to financial or administrative, aspects of the facility."

Section 39. Section 75-10-1223, MCA, is amended to read:

"75-10-1223. Penalties and fines. (1) A person who disposes of septage in violation of 75-10-1210 or of the standards adopted pursuant to 75-10-1202 is guilty of a misdemeanor and upon conviction shall be fined an amount not to exceed \$500.

(2) (a) A person who violates this part or a rule or order adopted pursuant to this part is subject to a civil penalty of not more than \$500. Each day that violation of this part, a rule of the department, or an order issued pursuant to

this part occurs constitutes a separate violation. The department or the county attorney of the county in which the violation occurred may file an action to collect the penalty.

(b) Penalties assessed under this subsection (2) must be determined in accordance with the penalty factors in 75-1-1001. An action to recover penalties must be brought in the district court of the county in which the violation occurred ~~or, if mutually agreed on by the parties in the action, in the district court of the first judicial district, Lewis and Clark County.~~

(3) Penalties collected by the department under this section must be deposited in the environmental rehabilitation and response account in the state special revenue fund provided for in 75-1-110. Fines and penalties collected by a county must be deposited in the general fund of the county."

Section 40. Section 75-11-223, MCA, is amended to read:

"75-11-223. Civil and administrative penalties. (1) (a) A person who violates a provision of this part, a rule adopted under this part, or an order of the department or the board is subject to an administrative penalty not to exceed \$500 for each violation or a civil penalty not to exceed \$10,000 for each violation. If an installer or an inspector who is an employee is in violation, the employer of that installer or that inspector is the entity that is subject to the provisions of this section unless the violation is the result of a grossly negligent or willful act. Each day of violation of this part, a rule adopted under this part, or an order constitutes a separate violation.

(b) Penalties assessed under this subsection (1) must be determined in accordance with the penalty factors in 75-1-1001.

(2) The department may institute and maintain in the name of the state any enforcement proceedings under this section. The enforcement or collection action must be brought in the district court of the county in which the violation occurred ~~or, if mutually agreed upon by the parties, in the district court of the first judicial district, Lewis and Clark County.~~ Upon request of the department, the attorney general or the county attorney of the county where the violation occurred shall petition the district court to impose, assess, and recover the civil penalty.

(3) Action under this section does not bar:

(a) enforcement of this part, rules adopted under this part, orders of the department or the board, or terms of a license or permit by injunction or other appropriate remedy; or

(b) action under 75-11-224."

Section 41. Section 75-11-516, MCA, is amended to read:

"75-11-516. Civil penalties. (1) (a) A person who violates any provision of this part, a rule adopted under this part, or an order of the department or the board is subject to a civil penalty not to exceed \$10,000 for each violation. Each day of violation constitutes a separate violation.

(b) Penalties assessed under this subsection (1) must be determined in accordance with the penalty factors in 75-1-1001.

(2) The department may institute and maintain in the name of the state any enforcement proceedings under this section. Upon request of the department, the attorney general or the county attorney of the county of violation shall petition the district court to impose, assess, and recover the civil penalty. Penalties are also recoverable in an action brought by the department. The action must be brought in the district court of the county in which the violation occurred ~~or, if mutually agreed on by the parties in the action, in the district court of the first judicial district, Lewis and Clark County.~~

(3) Action under this section does not bar enforcement of this part, rules adopted under this part, or orders of the department or the board.

(4) Money collected under this section must be deposited in the state general fund.”

Section 42. Section 75-11-518, MCA, is amended to read:

“75-11-518. Venue for legal actions. All legal actions affecting underground storage tanks or the disposal of regulated substances must be brought in the county in which the underground storage tank is located ~~or, if mutually agreed upon by the affected parties, in the first judicial district, Lewis and Clark County.~~”

Section 43. Section 75-11-525, MCA, is amended to read:

“75-11-525. Administrative penalties for violations – appeals – venue. (1) (a) A person who violates any of the provisions of this part or any rules promulgated under the authority of this part may be assessed and ordered by the department to pay an administrative penalty not to exceed \$500 for each violation. This limitation on administrative penalties applies only to penalties assessed under this section. Each occurrence of the violation and each day that it remains uncorrected constitutes a separate violation. The department may suspend a portion of the administrative penalty assessed under this section if the condition that caused the assessment of the penalty is corrected within a specified time. Assessment of an administrative penalty under this section may be made in conjunction with any order or other administrative action authorized by this chapter.

(b) Penalties assessed under this subsection (1) must be determined in accordance with the penalty factors in 75-1-1001.

(2) When the department assesses an administrative penalty under this section, it must have written notice served personally or by certified mail on the alleged violator or the violator’s agent. For purposes of this chapter, service by mail is complete on the day of receipt. The notice must state:

- (a) the provision alleged to be violated;
- (b) the facts alleged to constitute the violation;
- (c) the amount of the administrative penalty assessed under this section;
- (d) the amount, if any, of the penalty to be suspended upon correction of the condition that caused the assessment of the penalty;
- (e) the nature of any corrective action that the department requires, whether or not a portion of the penalty is to be suspended;
- (f) as applicable, the time within which the corrective action is to be taken and the time within which the administrative penalty is to be paid; and
- (g) the right to appeal or to a hearing to mitigate the penalty assessed.

(3) A person assessed a penalty under this section may request a hearing before the board to either contest the alleged violation or request mitigation of the penalty. The contested case provisions of the Montana Administrative Procedure Act, provided for in Title 2, chapter 4, part 6, apply to a hearing conducted under this section. If a hearing is held under this section, it must be held in ~~Lewis and Clark County or the county in which the alleged violation occurred.~~

(4) If the department is unable to collect an administrative penalty assessed under this section or if a person fails to pay all or any portion of an administrative penalty assessed under this section, the department may take action in district court to recover the penalty amount and any additional amounts assessed or sought under this chapter. The action must be brought in the district court of the county in which the violation occurred ~~or, if mutually agreed on by the parties in the action, in the district court of the first judicial district, Lewis and Clark County.~~

(5) Action under this section does not bar action under this chapter or any other remedy available to the department for violations of underground storage tank laws or rules promulgated under those laws.

(6) Administrative penalties collected under this section must be deposited in the state general fund.”

Section 44. Section 76-4-109, MCA, is amended to read:

“76-4-109. Penalties. (1) A person who violates a provision of this part, except 76-4-122(1), or a rule adopted or an order issued under this part is guilty of an offense and subject to a fine in an amount not to exceed \$1,000.

(2) (a) In addition to the fine specified in subsection (1), a person who violates any provision of this part or any rule adopted or order issued under this part is subject to an administrative penalty in an amount not to exceed \$250 or a civil penalty in an amount not to exceed \$1,000. Each day of violation constitutes a separate violation.

(b) Penalties assessed under this subsection (2) must be determined in accordance with the penalty factors in 76-4-1001. An action to recover penalties must be brought in the district court of the county in which the violation occurred ~~or, if mutually agreed on by the parties in the action, in the district court of the first judicial district, Lewis and Clark County.~~

(3) Penalties imposed under subsection (1) or (2) do not bar enforcement of this part or rules or orders issued under it by injunction or other appropriate remedy.

(4) The purpose of this section is to provide additional and cumulative remedies.”

Section 45. Section 77-2-107, MCA, is amended to read:

“77-2-107. Involvement of lessee when land subject to prior lease.

(1) Whenever any kind of right-of-way easement has been granted under this part and the state land in which it is granted is under lease, the party receiving the grant shall give timely notice to the lessee and shall make just settlement with the lessee for any damages resulting to the lessee’s improvements, crops, or leasehold interests.

(2) After the settlement is made, the lessee shall open or move any fences that may obstruct the right-of-way over the lands under lease and otherwise cooperate in the opening of the right-of-way. Proof must be filed with the board that the settlement has been made before the deed to the easement is issued.

(3) (a) If the lessee and the party receiving the right-of-way easement are unable to agree on the value of the damages resulting from the easement, the value of the damages must be ascertained and fixed by three arbitrators, one of whom must be appointed by the lessee, one by the party receiving the easement, and the third by the two appointed arbitrators.

(b) If a party refuses to appoint an arbitrator within 15 days of being requested to do so by the director of the department, the director may appoint an arbitrator for that party. An arbitrator appointed by the director has the same duties and powers as if appointed by one of the parties.

(c) The arbitrators may fix reasonable compensation for their services. The compensation must be paid in equal shares by the owner of the easement and the lessee.

(d) The value of the damages as ascertained and fixed by the arbitrators is binding on both parties; however, if either party is dissatisfied with the valuation, the party may, within 10 days, appeal from their decision to the department. The department shall examine the easements, and, except as provided in subsection (3)(e), its decision on the appeal is final. The department shall collect the actual cost of the reexamination from the owner of the easement and the lessee in the proportion that, in its judgment, justice may demand.

(e) If either party is dissatisfied with the valuation fixed by the department, the party may within 30 days after receipt of the department's decision petition the district court in the county in which the majority of the state land is located ~~or the district court in Lewis and Clark County~~ for judicial review of the decision."

Section 46. Section 82-4-142, MCA, is amended to read:

"82-4-142. Mandamus to compel enforcement. (1) A resident of this state who has knowledge that a requirement of this part or a rule adopted under this part is not being enforced by a public officer or employee whose duty it is to enforce the requirement or rule may bring the failure to enforce to the attention of the public officer or employee by a written statement under oath that must state the specific facts of the failure to enforce the requirement or rule. Knowingly making false statements or charges in the affidavit subjects the affiant to penalties prescribed in 45-7-202.

(2) If the public officer or employee neglects or refuses for an unreasonable time after receipt of the statement to enforce the requirement or rule, the resident may bring an action of mandamus ~~in the district court of the first judicial district of this state or~~ in the district court of the county in which the land is located. If the court finds that a requirement of this part or a rule adopted under this part is not being enforced, it shall order the public officer or employee whose duty it is to enforce the requirement or rule to perform the duties. If the officer or employee fails to do so, the public officer or employee must be held in contempt of court and is subject to the penalties provided by law."

Section 47. Section 82-4-254, MCA, is amended to read:

"82-4-254. Violation – penalty – waiver. (1) (a) Except as provided in subsection (2), a person or operator who violates any of the provisions of this part, rules adopted or orders issued under this part, or term or condition of a permit and any director, officer, or agent of a corporation who purposely or knowingly authorizes, orders, or carries out a violation shall pay an administrative penalty of not less than \$100 or more than \$5,000 for the violation and an additional administrative penalty of not less than \$100 or more than \$5,000 for each day during which a violation continues and may be enjoined from continuing the violations as provided in this section. A person or operator who fails to correct a violation within the period permitted by law, rule of the board, or order of the department must be assessed a penalty of not less than \$750 for each day, up to 30 days, during which the failure or violation continues.

(b) Penalties assessed under this section must be determined in accordance with the penalty factors in 82-4-1001.

(c) The period permitted for correction of a violation does not, in the case of any review proceeding under 82-4-251(6), end until entry of a final order suspending the abatement requirements or until entry of an order of court ordering suspension of the abatement requirements. If the failure to abate continues for more than 30 days, the department shall, within 30 days after the 30-day period, take appropriate action pursuant to 82-4-251(3) or request action under subsection (4) or (6) of this section.

(2) The department may waive the penalty for a minor violation of this part, a rule adopted or an order issued under this part, or a term or condition of a permit if the department determines that the violation is not of potential harm to public health, public safety, or the environment and does not impair the administration of this part. The department may not waive a penalty assessed under this section if the person or operator fails to abate the violation as directed under 82-4-251. The board shall adopt rules to implement and administer a procedure for waiver of a penalty under this subsection.

(3) (a) To assess an administrative penalty under this section, the department shall issue a notice of violation and penalty order to the person or operator, unless the penalty is waived pursuant to subsection (2). The notice and order must specify the provision of this part, rule adopted or order issued under this part, or term or condition of a permit that is violated and must contain findings of fact, conclusions of law, and a statement of the proposed administrative penalty. The notice and order must be served personally or by certified mail. Service by mail is complete 3 business days after the date of mailing. The notice and order become final unless, within 30 days after the order is served, the person or operator to whom the order was issued requests a hearing before the board. By submitting to the board a written request within 30 days of service of the notice of violation, stating the reason for the request, the person or operator is entitled to a hearing before the board under 82-4-206 on the issues of whether the alleged violation has occurred and whether the penalty proposed to be assessed is proper. On receipt of a request, the board shall schedule a hearing. After a hearing, the board shall make findings of fact and issue a written decision as to the occurrence of the violation and the amount of penalty warranted. If the board finds that the violation occurred and a penalty is warranted, it shall order the payment of the penalty. If the time for requesting a hearing expires without a hearing request, the person or operator shall remit the amount of the penalty within 30 days of the expiration of the period for requesting a hearing.

(b) If the person or operator to whom a final order is issued under subsection (3)(a) wishes to obtain judicial review of the order, the person or operator shall submit with any assessed penalty a statement that the penalty is being paid under protest and the department shall hold the payment in escrow until judicial review is complete. Any person or operator who fails to request and submit testimony at the hearing provided for in subsection (3)(a) or who fails to pay any assessed penalty under protest within 30 days of the order assessing the penalty forfeits the right to seek judicial review of the violation and penalty determinations.

(c) Penalties provided for in this section are recoverable in an action brought by the department. The action must be filed in the district court of ~~the first judicial district, Lewis and Clark County, if mutually agreed on by the parties in the action, or in the district court having jurisdiction over the defendant or in the first judicial district if no other district court has jurisdiction.~~

(4) The department may bring an action for a restraining order or temporary or permanent injunction against an operator or other person who:

(a) violates, threatens to violate, or fails or refuses to comply with any order or decision issued under this part;

(b) interferes with, hinders, or delays the department in carrying out the provisions of this part;

(c) refuses to admit an authorized representative of the department to the permit area;

(d) refuses to permit inspection of the permit area by an authorized representative of the department;

(e) refuses to furnish any information or report requested by the department in furtherance of the provisions of this part; or

(f) refuses to permit access to and copying of records that the department determines to be necessary in carrying out the provisions of this part.

(5) Any relief granted by a court under subsection (4)(a) continues in effect until the completion or final termination of all proceedings for review of relief granted under this part unless, prior to the final determination, the district court granting the relief sets it aside or modifies it.

(6) A person who violates any of the provisions of this part or any determination or order issued under this part or who purposely or knowingly violates any permit condition issued under this part is guilty of a misdemeanor and shall be fined an amount not less than \$500 and not more than \$10,000 or be imprisoned for not more than 1 year, or both. Each day on which the violation occurs constitutes a separate offense.

(7) A person who knowingly makes any false statement, representation, or certification or knowingly fails to make any statement, representation, or certification in any application, record, report, plan, or other document filed or required to be maintained pursuant to this part shall upon conviction be punished by a fine of not more than \$10,000 or by imprisonment for not more than 1 year, or both.

(8) A person who except as permitted by law purposely or knowingly resists, prevents, impedes, or interferes with the department or its agents in the performance of duties pursuant to this part shall be punished by a fine of not more than \$5,000 or by imprisonment for not more than 1 year, or both.

(9) An employee of the department performing any function or duty under this part may not have a direct or indirect financial interest in any strip- or underground-coal-mining operation. A person who knowingly violates the provisions of this subsection shall upon conviction be punished by a fine of not more than \$2,500 or by imprisonment of not more than 1 year, or both.

(10) Within 30 days after receipt of full payment of an administrative penalty assessed under this section, the department shall issue a written release of civil liability for the violations for which the penalty was assessed."

Section 48. Section 82-4-354, MCA, is amended to read:

"82-4-354. Mandamus to compel enforcement. (1) A person having an interest that is or may be adversely affected, with knowledge that a requirement of this part or a rule adopted under this part is not being enforced by a public officer or employee whose duty it is to enforce the requirement or rule, may bring the failure to the attention of the public officer or employee by an affidavit stating the specific facts of the failure. Knowingly making false statements or charges in the affidavit subjects the affiant to penalties prescribed for false swearing, as provided in 45-7-202.

(2) If the public officer or employee neglects or refuses for an unreasonable time after receipt of the affidavit to enforce the requirement or rule, the affiant may bring an action of mandamus in the district court of the first judicial district or in the district court of the county in which the land is located. If the court finds that a requirement of this part or a rule adopted under this part is not being enforced, it shall order the public officer or employee to perform the duties. If the officer or employee fails to do so, the public officer or employee must be held in contempt of court and is subject to the penalties provided by law.

(3) A person having an interest that is or may be adversely affected may commence a civil action to compel compliance with this part against a person for the violation of this part or any rule, order, or permit issued under it. However, an action may not be commenced:

(a) prior to 60 days after the plaintiff has given notice in writing to the department and to the alleged violator; or

(b) if the department has commenced and is diligently prosecuting a civil action to require compliance with the provisions of this part or any rule, order, or permit issued under it. A person having an interest that is or may be adversely affected may intervene as a matter of right in the civil action.

(4) Legal actions under subsection (3)(a) must be brought in the district court of the county in which the alleged violation occurred ~~or, if mutually agreed to by the parties to the action, in any other judicial district.~~

(5) Nothing in this section restricts any right of any person under any statute or common law to seek enforcement of this part or the rules adopted under it or to seek any other relief.”

Section 49. Section 82-4-361, MCA, is amended to read:

“82-4-361. Violation – penalties – waiver. (1) When the department has reason to believe that a person is in violation of this part, a rule adopted or an order issued under this part, or a term or condition of a permit issued under this part, it shall send a violation letter to the person. The violation letter must describe the provision of the statute, rule, order, or permit alleged to be violated and the facts alleged to constitute the violation. The letter must also recommend corrective actions that are necessary to return to compliance. Issuance of a violation letter under this subsection does not limit the authority of the department under this part to bring a judicial action for penalties or injunctive relief or to initiate an administrative enforcement action.

(2) (a) By issuance of an order pursuant to subsection (6), the department may assess an administrative penalty of not less than \$100 or more than \$1,000 for each of the following violations and an additional administrative penalty of not less than \$100 or more than \$1,000 for each day during which the violation continues and may bring an action for an injunction from continuing the violation against:

(i) a person or operator who violates a provision of this part, a rule adopted or an order issued under this part, or a term or condition of a permit; or

(ii) any director, officer, or agent of a corporation who purposely or knowingly authorizes, orders, or carries out a violation of a provision of this part, a rule adopted or an order issued under this part, or a term or condition of a permit.

(b) If the violation created an imminent danger to the health or safety of the public or caused significant environmental harm, the maximum administrative penalty is \$5,000 for each day of violation.

(c) This subsection does not limit the authority of the department to bring a judicial action for penalties or injunctive relief prior to or instead of initiating an administrative enforcement action under this part.

(3) The department may bring a judicial action seeking a penalty of not more than \$5,000 for a violation listed in subsection (2)(a) and a penalty of not more than \$5,000 for each day that the violation continues.

(4) Penalties assessed under this section must be determined in accordance with the penalty factors in 82-4-1001.

(5) The department may bring an action for a restraining order or a temporary or permanent injunction against an operator or other person violating or threatening to violate an order issued under this part.

(6) (a) In addition to the violation letter sent pursuant to subsection (1), the department may also issue an order if it has credible information that a violation listed in subsection (2) has occurred. The order must specify the provision of the part, rule, order, or permit alleged to be violated and the facts alleged to constitute the violation. The order may require necessary corrective action within a reasonable period of time, may assess an administrative penalty determined in accordance with this section, or both. The order must be served personally or by certified mail.

(b) An order issued pursuant to subsection (6)(a) becomes final unless, within 30 days after the order is served, the person to whom the order is issued submits to the board a written request for a hearing stating the reason for

the request. Service of the order by mail is complete 3 business days after mailing. If a request for a hearing is submitted, a hearing must be held within a reasonable time under the contested case provisions of the Montana Administrative Procedure Act, Title 2, chapter 4, part 6. After a hearing, the board shall affirm, modify, or rescind the order.

(7) Legal actions for penalties or injunctive relief under this section must be brought in the district court of the county in which the alleged violation occurred ~~or, if mutually agreed to by the parties to the action, in the first judicial district, Lewis and Clark County.~~

Section 50. Section 82-4-427, MCA, is amended to read:

“82-4-427. Hearing – appeal – venue. (1) (a) Subject to subsections (1)(b) and (1)(c), a person whose interests are or may be adversely affected by a final decision of the department to approve or disapprove a permit application and accompanying material or a permit amendment application and accompanying material under this part is entitled to a hearing before the board if a written request stating the reasons for the appeal is submitted to the board within 30 days of the department’s decision.

(b) If an application was noticed publicly as required by this part, to be eligible to file for an appeal a person must have either submitted comments to the department on an application or submitted comments at a public meeting held under 82-4-432.

(c) Subsection (1)(b) does not apply to a person filing for an appeal of an application that was not required to be noticed publicly by this part.

(2) An operator may request a hearing before the board on:

(a) a final decision of the department director pursuant to 82-4-436(4) by submitting a request for a hearing within 15 days of receipt of notice of the director’s decision; and

(b) an order of suspension or revocation issued under 82-4-442 by filing a request for hearing within 30 days of receipt of the decision.

(3) The operator or the landowner may request a hearing before the board on a decision on a bond release application by submitting a written request stating the reasons for the appeal within 30 days of the receipt of the decision.

(4) The contested case provisions of the Montana Administrative Procedure Act, Title 2, chapter 4, part 6, apply to a hearing held under this section.

(5) A petition for judicial review of a board decision made pursuant to this section must be brought in the county in which the permitted activity is proposed to occur ~~or, if mutually agreed upon by both parties in the action, in the first judicial district, Lewis and Clark County.~~ If an activity is proposed to occur in more than one county, the action may be brought in any of the counties in which the activity is proposed to occur.

(6) The petition for judicial review must include the party to whom the permit was issued or the applicant unless otherwise agreed to by the permit holder or applicant. All judicial challenges of permits for projects with a project cost, as determined by the court, of more than \$1 million must have precedence over any civil cause of a different nature pending in that court. If the court determines that the challenge was without merit or was for an improper purpose, such as to harass, to cause unnecessary delay, or to impose needless or increased cost in litigation, the court may award attorney fees and costs incurred in defending the action.”

Section 51. Section 82-4-441, MCA, is amended to read:

“82-4-441. Administrative and judicial penalties – enforcement.

(1) When the department has reason to believe that a person is in violation of this part, a rule adopted or an order issued under this part, or a term or

condition of a permit issued under this part, it shall send a violation letter to the person. The violation letter must describe the provision of the statute, rule, order, or permit alleged to be violated and the facts alleged to constitute the violation. The letter must also recommend corrective actions that are necessary to return to compliance. Issuance of a violation letter under this subsection does not limit the authority of the department under this part to bring a judicial action for penalties or injunctive relief or to initiate an administrative enforcement action.

(2) By issuance of an order pursuant to subsection (5), the department may assess against a person who violates any of the provisions of this part, rules adopted or orders issued under this part, or provisions of a permit:

(a) an administrative penalty of not less than \$100 or more than \$1,000 for the violation; and

(b) an additional administrative penalty of not less than \$100 or more than \$1,000 for each day during which a violation continues.

(3) The department may bring a judicial action seeking a penalty of not more than \$5,000 against a person who violates any of the provisions of this part, rules adopted or orders issued under this part, or provisions of a permit and a penalty of not more than \$5,000 for each day that the violation continues. In determining the amount of the penalty, the district court shall consider the factors in subsection (4).

(4) Penalties assessed under this section must be determined in accordance with the penalty factors in 82-4-1001.

(5) (a) In addition to the violation letter sent pursuant to subsection (1), the department may also issue an order if it has credible information that a violation listed in subsection (2) has occurred. The order must specify the provision of the part, rule, order, or permit alleged to be violated and the facts alleged to constitute the violation. The order may require necessary corrective action within a reasonable period of time, may assess an administrative penalty determined in accordance with this section, or both. The order must be served personally or by certified mail.

(b) An order issued pursuant to subsection (5)(a) becomes final unless, within 30 days after the order is served, the person to whom the order is issued submits to the board a written request for a hearing stating the reason for the request. Service of an order by mail is complete 3 business days after mailing. If a request for a hearing is filed, a hearing must be held within a reasonable time under the contested case provisions of the Montana Administrative Procedure Act, Title 2, chapter 4, part 6. After a hearing, the board shall affirm, modify, or rescind the order.

(6) The department may bring an action to enjoin an operator or other person violating or threatening to violate this part, rules adopted pursuant to this part, or a permit issued pursuant to this part. Actions for injunctions or penalties must be filed in the district court of the county in which the opencut operation is located or, if mutually agreed on by both parties in the action, in the first judicial district, Lewis and Clark County.

(7) The provisions of this section do not limit the authority of the department to bring a judicial action for penalties or injunctive relief prior to or instead of initiating an administrative enforcement action under this part."

Section 52. Section 82-15-120, MCA, is amended to read:

"82-15-120. Department of environmental quality to enforce prohibition on methyl tertiary butyl ether – notice requirements – hearing – penalties. (1) (a) Whenever the department of environmental quality believes that a violation of 82-15-110(8) or of the rules adopted pursuant

to 82-15-102(3) has occurred, it may serve written notice of the violation on the alleged violator or an agent of the alleged violator.

(b) The notice must specify the facts alleged to constitute a violation and may include an order assessing an administrative penalty pursuant to subsection (3), an order to take necessary corrective action within a reasonable period of time stated in the order, or both.

(c) The order becomes final unless, within 30 days after the notice is served, the person named in the order requests in writing a hearing before the board of environmental review. Service by mail is complete on the date of mailing.

(d) Upon receipt of the request, the board of environmental review shall schedule a hearing. The contested case provisions of the Montana Administrative Procedure Act provided in Title 2, chapter 4, part 6, apply to a hearing conducted under this section.

(2) If, after a hearing held under subsection (1), the board of environmental review finds that a violation has occurred, it shall either affirm or modify the order of the department of environmental quality. An order issued by the department of environmental quality or by the board of environmental review may prescribe the date by which the violation must cease and may prescribe time limits for a particular action. If, after hearing, the board of environmental review finds no violation has occurred, it shall rescind the department of environmental quality's order.

(3) A violation of 82-15-110(8) or of a rule adopted pursuant to 82-15-102(3) is subject to an administrative penalty of up to \$1,000. Each day of violation constitutes a separate violation.

(4) Any person who violates 82-15-110(8), a rule adopted pursuant to 82-15-102(3), or an order issued under this section is subject to a civil penalty not to exceed \$5,000 for each violation. Each day of violation constitutes a separate violation.

(5) The department of environmental quality is authorized to commence a civil action seeking appropriate relief, including temporary and permanent injunctions and penalties under subsection (4) of this section, for a violation of 82-15-110(8), a rule adopted pursuant to 82-15-102(3), or a violation of an order issued under this section. The action must be brought ~~in the district court of the first judicial district, Lewis and Clark County, or in the district court of the county in which the violation occurred.~~

Section 53. Section 85-2-431, MCA, is amended to read:

"85-2-431. Penalty. (1) A person who fails to comply with the requirements of 85-2-424 is liable for a civil penalty of not more than \$75.

(2) An action to recover the penalty must be brought by the department and filed in the district court ~~for the first judicial district. At the discretion of the department, the judgment may be certified to the district court in the county where the real property is located.~~

(3) Any penalty fee collected under this section must be deposited in the water right appropriation account provided for in 85-2-318."

Section 54. Section 85-6-109, MCA, is amended to read:

"85-6-109. Operation of projects with water users' association – definitions. (1) As used in this section, the following definitions apply:

(a) "Association" means a water users' association.

(b) "Department" means the department of natural resources and conservation provided for in Title 2, chapter 15, part 33.

(2) Whenever the department proposes a program of maintenance, repair, operation, or alteration of a project in excess of \$25,000, the cost of which will be borne by an association pursuant to the terms of a water marketing contract,

the association must be informed of the program and given an opportunity to comment. The department shall notify the association of its decision. If the association believes the program to be unnecessary or excessive in cost, it may appeal the department decision to the district court in any county where all or part of the project works is located ~~or to the district court in Lewis and Clark County.~~

(3) If an appeal is filed under subsection (2), the court shall hold a trial de novo on the question of necessity of the department program and the question of excessive costs. If the association prevails, the court may award costs to the association. The court may specify an acceptable program of maintenance, repair, operation, or alteration or may order the department and the association to develop a program, subject to court approval.

(4) Whenever a program of maintenance, repair, operation, or alteration is proposed, the department shall assist the association in attempting to secure sources of financing, including federal funds.

(5) Whenever the department proposes to abandon, sell, or otherwise dispose of a project that involves a water users' association, the department shall notify the association. Before the department may take further action to abandon, sell, or otherwise dispose of a project that involves a water users' association, the department must receive a petition approving the abandonment, sale, or disposition. The petition must be signed by stockholders of the association who represent 66 2/3% or more of the issued and outstanding stock of the association. If, within 30 days of receipt of the final proposal of abandonment, sale, or other disposal, stockholders of the association who represent 30% or more of the issued and outstanding stock of the association file a petition of protest with the department, the project may not be abandoned, sold, or otherwise disposed of without the consent of the legislature."

Section 55. Codification instruction. [Section 1] is intended to be codified as an integral part of Title 75, chapter 5, part 1, and the provisions of Title 75, chapter 5, part 1, apply to [section 1].

Approved May 14, 2021

CHAPTER NO. 536

[HB 541]

AN ACT GENERALLY REVISING LANDLORD-TENANT LAWS; PROVIDING FOR REMOVAL OF UNAUTHORIZED PERSONS OR TRESPASSERS FROM A PREMISES; PROVIDING FOR MONETARY DAMAGES IN THE EVENT OF UNAUTHORIZED TERMINATION; REVISING LANDLORD DUTIES; REVISING NOTICE PROVISIONS; ALLOWING CHARGE FOR LABOR AS PECUNIARY DAMAGES; REVISING PROVISIONS REGARDING TENANT NONCOMPLIANCE WITH A RENTAL AGREEMENT; REVISING PROVISIONS REGARDING DISPOSAL OF PROPERTY; REVISING DEFINITIONS; AMENDING SECTIONS 70-24-103, 70-24-201, 70-24-303, 70-24-312, 70-24-401, 70-24-422, 70-24-430, 70-25-201, 70-33-103, 70-33-201, 70-33-303, 70-33-312, 70-33-321, 70-33-401, 70-33-430, AND 70-33-433, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.

Be it enacted by the Legislature of the State of Montana:

Section 1. Removal of unauthorized person or trespasser.

(1) An unauthorized person or trespasser has no legal right to occupy, enter, or trespass on a premises. A person who cannot produce authorization allowing

the person to occupy a premises is an unauthorized person or trespasser for the purpose of this section and may be removed from the premises immediately by law enforcement.

(2) For the purposes of this section, authorization includes:

- (a) a written rental agreement entitling the person to occupy the premises;
- (b) written or verbal authorization from the landlord; or

(c) written or verbal authorization from a tenant if the person is a guest of the tenant.

(3) For the purposes of this section, verbal authorization is valid only if it is verified by the individual or entity entitled to give it under subsection (2)(b) or (2)(c).

Section 2. Section 70-24-103, MCA, is amended to read:

“70-24-103. General definitions. Subject to additional definitions contained in subsequent sections and unless the context otherwise requires, in this chapter the following definitions apply:

(1) *“Abandon” means to give up possession of the premises unless the landlord does not accept abandonment or surrender as provided in 70-24-426 or unless the rental agreement has been terminated as provided by law.*

(1)(2) *“Action” includes recoupment, counterclaim, setoff suit in equity, and any other proceeding in which rights are determined, including an action for possession.*

(3) *“Actual and reasonable cost” means the actual amount of expenses and labor incurred or expended and the reasonable amount of expenses and labor estimated to be incurred or expended.*

(2)(4) *“Case of emergency” means an extraordinary occurrence beyond the tenant’s control requiring immediate action to protect the premises or the tenant. A case of emergency may include the interruption of essential services, including heat, electricity, gas, running water, hot water, and sewer and septic system service, or life-threatening events in which the tenant or landlord has reasonable apprehension of immediate danger to the tenant or others.*

(3)(5) *“Court” means the appropriate district court, small claims court, justice’s court, or city court.*

(4)(6) *“Dwelling unit” means a structure or the part of a structure that is used as a home, residence, or sleeping place by a person who maintains a household or by two or more persons who maintain a common household. Dwelling unit, in the case of a person who rents space in a mobile home park and rents the mobile home, means the mobile home itself.*

(5)(7) *“Good faith” means honesty in fact in the conduct of the transaction concerned.*

(6)(8) *“Guest” means a person staying with a tenant for a temporary period of time as defined in the rental agreement or, if not defined in the rental agreement, for a period of time no more than 7 days unless the tenant has received the landlord’s written consent to a longer period of time.*

(7)(9) *“Landlord” means:*

(a) ~~the owner, lessor, or sublessor~~ of the dwelling unit or the building of which it is a part; ~~or~~

(b) *a person who has written authorization from the owner to act as the owner’s agent or assignee for purposes related to the premises or the rental agreement;*

(b)(c) ~~a manager of the premises who fails to disclose the managerial position~~ *a person who has written authorization from the owner to act as a manager of the premises for the purposes of the tenancy or the rental agreement;*
or

(d) *a lessor who has written authorization from the owner of the premises to sublease the premises.*

(8)(10) "Organization" includes a corporation, government, governmental subdivision or agency, business trust, estate, trust, or partnership or association, two or more persons having a joint or common interest, and any other legal or commercial entity.

(9)(11) "Owner" means one or more persons, jointly or severally, in whom is vested all or part of:

(a) the legal title to property; or

(b) the beneficial ownership and a right to present use and enjoyment of the premises, including a mortgagee in possession.

(10)(12) "Person" includes an individual or organization.

(11)(13) "Premises" means a dwelling unit and the structure of which it is a part, the facilities and appurtenances in the structure, and the grounds, areas, and facilities held out for the use of tenants generally or promised for the use of a tenant.

(12)(14) "Rent" means all payments to be made to the landlord ~~under the rental agreement, including rent, late fees, or other charges as agreed on in the rental agreement, except money paid as a security deposit.~~

(13)(15) "Rental agreement" means all agreements, written or oral, and valid rules adopted under 70-24-311 embodying the terms and conditions concerning the use and occupancy of a dwelling unit and premises.

(14)(16) "Roomer" means a person occupying a dwelling unit that does not include a toilet, a bathtub or a shower, a refrigerator, a stove, or a kitchen sink, all of which are provided by the landlord and one or more of which are used in common by occupants in the structure.

(15) ~~"Single-family residence" means a structure maintained and used as a single dwelling unit. A dwelling unit that shares one or more walls with another dwelling unit is a single-family residence if it has direct access to a street or thoroughfare and does not share heating facilities, hot water equipment, or any other essential facility or service with another dwelling unit.~~

(17) *"Single-family residence" means a structure maintained and used as a single dwelling unit. A dwelling unit that shares one or more walls with another dwelling unit is a single-family residence if it has direct access to a street or thoroughfare and does not share heating facilities, hot water equipment, or any other essential facility or service with another dwelling unit.*

(16)(18) "Tenant" means:

(a) a person entitled under a rental agreement to occupy a dwelling unit to the exclusion of others; or

(b) a person who, with the written approval of the landlord and pursuant to the rental agreement, has a sublease agreement with the person who is entitled to occupy the dwelling unit under the rental agreement.

(17)(19) "Unauthorized person or trespasser" means a person who:

(a) *enters or remains after being asked to leave by the landlord and does not receive written permission by the landlord to remain on the premises;*

(b) *is in violation of 45-6-201;*

(c) *is in violation of 45-6-203; or*

(d) *is in violation of 70-27-102, other than a tenant or a guest, who is trespassing in violation of 45-6-203."*

Section 3. Section 70-24-201, MCA, is amended to read:

"70-24-201. Rental agreement – terms and conditions. (1) A landlord and a tenant may include in a rental agreement terms and conditions not prohibited by this chapter or other rule or law, including rent, term of the

agreement, and other provisions governing the rights and obligations of the parties.

(2) Unless the rental agreement provides otherwise:

(a) the tenant shall pay as rent the rental value for the use and occupancy of the dwelling unit as determined by the landlord;

(b) rent is payable at the landlord's address or using electronic funds transfer to an account designated for the payment of rent by the landlord;

(c) periodic rent is payable at the beginning of a term of a month or less and otherwise in equal monthly installments at the beginning of each month;

(d) rent is uniformly apportionable from day to day; and

(e) the tenancy is week to week in the case of a roomer who pays weekly rent and in all other cases month to ~~month~~; month; and

(f) *if either party terminates the rental agreement without cause prior to the expiration date of the lease term, the aggrieved party is entitled to monetary damages up to 1 month's rent or an amount that is agreed on in the rental agreement, which may not exceed 1 month's rent. Landlords shall follow 70-24-426(3) and are entitled to rent from defaulting tenants up to the date a new tenancy starts or the date the rental agreement term expires.*

(3) Rent is payable without demand or notice at the time and place agreed upon by the parties or provided for by subsection (2)."

Section 4. Section 70-24-303, MCA, is amended to read:

"70-24-303. Landlord to maintain premises – agreement that tenant perform duties – limitation of landlord's liability for failure of smoke detector or carbon monoxide detector. (1) A landlord:

(a) shall comply with the requirements of applicable building and housing codes materially affecting health and safety in effect at the time of original construction in all dwelling units where construction is completed after July 1, 1977;

~~(b) may not knowingly allow any tenant or other person to engage in any activity on the premises that creates a reasonable potential that the premises may be damaged or destroyed or that neighboring tenants may be injured;~~

~~(c)(b)~~ shall make repairs and do whatever is necessary to put and keep the premises in a fit and habitable condition, *except when it is the tenant's responsibility to maintain the dwelling unit pursuant to 70-24-321;*

~~(d)(c)~~ shall keep all common areas of the premises in a clean and safe condition;

~~(e)(d)~~ shall maintain in good and safe working order and condition all electrical, plumbing, sanitary, heating, ventilating, air-conditioning, and other facilities and appliances, including elevators, supplied or required to be supplied by the landlord;

~~(f)(e)~~ shall, unless otherwise provided in a rental agreement, provide and maintain appropriate receptacles and conveniences for the removal of ashes, garbage, rubbish, and other waste incidental to the occupancy of the dwelling unit and arrange for their removal;

~~(g)(f)~~ shall supply running water and reasonable amounts of hot water at all times and reasonable heat between October 1 and May 1, except if the building that includes the dwelling unit is not required by law to be equipped for that purpose or the dwelling unit is so constructed that heat or hot water is generated by an installation within the exclusive control of the tenant; and

~~(h)(g)~~ shall install in each dwelling unit under the landlord's control an approved carbon monoxide detector, in accordance with rules adopted by the department of labor and industry, and an approved smoke detector, in accordance with rules adopted by the department of justice. Upon commencement of a rental agreement, the landlord shall verify that the carbon

monoxide detector and the smoke detector in the dwelling unit are in good working order. The tenant shall maintain the carbon monoxide detector and the smoke detector in good working order during the tenant's rental period. For the purposes of this subsection (1)(g), an approved carbon monoxide detector, as defined in 70-20-113, and an approved smoke detector, as defined in 70-20-113, bear a label or other identification issued by an approved testing agency having a service for inspection of materials and workmanship at the factory during fabrication and assembly.

(2) If the duty imposed by subsection (1)(a) is greater than a duty imposed by subsections (1)(b) through ~~(1)(h)~~ (1)(g), a landlord's duty must be determined by reference to subsection (1)(a).

(3) A landlord and tenant of ~~a one-, two-, or three-family residence~~ may agree in writing that the tenant perform the landlord's duties specified in subsections ~~(1)(f)~~ (1)(e) and ~~(1)(g)~~ (1)(f) and specified repairs, maintenance tasks, alteration, and remodeling but only if the transaction is entered into in good faith and not for the purpose of evading the obligations of the landlord.

(4) A landlord and tenant of ~~a one-, two-, or three-family residence~~ may agree that the tenant is to perform specified repairs, maintenance tasks, alterations, or remodeling only if:

(a) the agreement of the parties is entered into in good faith and not for the purpose of evading the obligations of the landlord and is set forth in a separate writing signed by the parties and supported by adequate consideration;

(b) the work is not necessary to cure noncompliance with subsection (1)(a); and

(c) the agreement does not diminish the obligation of the landlord to other tenants in the premises.

(5) The landlord is not liable for damages caused as a result of the failure of the carbon monoxide detector or the smoke detector required under subsection ~~(1)(h)~~ (1)(g)."

Section 5. Section 70-24-312, MCA, is amended to read:

"70-24-312. Access to premises by landlord. (1) A tenant may not unreasonably withhold consent to the landlord or the landlord's agent to enter into the dwelling unit in order to inspect the premises, make necessary or agreed repairs, decorations, alterations, or improvements, supply necessary or agreed services, or exhibit the dwelling unit to prospective or actual purchasers, mortgagees, tenants, workers, or contractors.

(2) A landlord may enter the dwelling unit without consent of the tenant in the case of an emergency.

(3) (a) A landlord may not abuse the right of access or use it to harass the tenant. Except in the case of an emergency or unless it is impracticable to do so, the landlord shall give the tenant at least 24 hours' notice of the intent to enter and may enter only at reasonable times.

(b) *For the purposes of this subsection (3), in addition to the provisions of 70-24-108, a tenant has notice of the intent to enter if the landlord conspicuously posts the landlord's intent to enter on the main entry door of the dwelling unit.*

(4) A landlord has no other right of access except:

(a) pursuant to court order;

(b) as permitted by 70-24-425 and 70-24-426(2); or

(c) when the tenant has abandoned or surrendered the premises.

(5) A tenant may not remove a lock or replace or add a lock not supplied by the landlord to the premises without the written permission of the landlord. If a tenant removes a lock or replaces or adds a lock not supplied by the landlord to the premises, the tenant shall provide the landlord with a key to ensure that the landlord will have the right of access as provided by this chapter."

Section 6. Section 70-24-401, MCA, is amended to read:

“70-24-401. Administration of remedies – enforcement. (1) The remedies provided by this chapter must be administered so that an aggrieved party may recover appropriate damages. The aggrieved party has a duty to mitigate damages. *The aggrieved party may include a reasonable charge for the party’s labor.*

(2) A right or obligation declared by this chapter is enforceable by action unless the provision declaring it specifies a different and limited effect. *Nothing in this chapter prohibits the assignment of a right or the claim of a right by either landlord or tenant. The landlord’s or tenant’s defenses and obligations may not be affected by an assignment.*

(3) Rules and regulations that are not a part of this chapter and that affect the relationship between the landlord and tenant must be uniformly and fairly applied and enforced.”

Section 7. Section 70-24-422, MCA, is amended to read:

“70-24-422. Noncompliance of tenant generally – landlord’s right of termination – damages – injunction. (1) Except as provided in this chapter, if there is a noncompliance by the tenant with the rental agreement or a noncompliance with 70-24-321, the landlord may deliver a written notice to the tenant pursuant to 70-24-108 specifying the acts and omissions constituting the noncompliance and that the rental agreement will terminate upon a date specified in the notice not less than the minimum number of days after receipt of the notice provided for in this section. The rental agreement terminates as provided in the notice, subject to the following:

(a) If the noncompliance is remediable by repairs, the payment of damages, or otherwise and the tenant adequately remedies the noncompliance before the date specified in the notice, the rental agreement does not terminate.

(b) If the noncompliance involves an unauthorized pet, the notice period is 3 days.

(c) If the noncompliance involves unauthorized persons residing in the rental unit, the notice period is 3 days.

~~(d)~~(d) If the noncompliance is not listed in subsection (1)(b), ~~or~~ (1)(c), ~~or~~ (1)(f), the notice period is 14 days.

~~(e)~~(e) If substantially the same act or omission that constituted a prior noncompliance of which notice was given recurs within 6 months, the landlord may terminate the rental agreement upon at least 5 days’ written notice specifying the noncompliance and the date of the termination of the rental agreement.

(f) *If the noncompliance is from verbal abuse of the landlord by a tenant, the landlord may terminate the rental agreement on giving 3 days’ written notice. If the tenant adequately remedies the noncompliance, the rental agreement does not terminate.*

(2) If rent is unpaid when due and the tenant fails to pay rent within 3 days after written notice by the landlord of nonpayment and the landlord’s intention to terminate the rental agreement if the rent is not paid within that period, the landlord may terminate the rental agreement.

(3) If the tenant destroys, defaces, damages, impairs, or removes any part of the premises in violation of 70-24-321(2), the landlord may terminate the rental agreement upon giving 3 days’ written notice specifying the noncompliance under the provisions of 70-24-321(2).

(4) If the tenant creates a reasonable potential that the premises may be damaged or destroyed or that neighboring tenants may be injured in violation of 70-24-321(3), the landlord may terminate the rental agreement upon giving

3 days' written notice specifying the violation and noncompliance under the provisions of 70-24-321(3).

(5) Except as provided in this chapter, the landlord may recover actual damages and obtain injunctive relief for any noncompliance by the tenant with the rental agreement or 70-24-321. Except as provided in subsection (6), if the tenant's noncompliance is purposeful, the landlord may recover treble damages.

(6) Treble damages may not be recovered for the tenant's early termination of the tenancy.

(7) The landlord is not bound by this section in the event that the landlord elects to use the 30-day notice for termination of tenancy as provided in 70-24-441."

Section 8. Section 70-24-430, MCA, is amended to read:

"70-24-430. Disposition of personal property abandoned by tenant after termination. (1) *(a) If a tenancy terminates by court order, the personal property is considered abandoned and the landlord may immediately dispose of the personal property as allowed by law.*

~~(a)~~(b) If a tenancy terminates in any manner ~~except by other than~~ court order and the landlord has clear and convincing evidence that the tenant has abandoned all personal property that the tenant has left on the premises and a period of time of at least 48 hours has elapsed since the landlord obtained that evidence, the landlord may immediately remove the abandoned property from the premises and immediately dispose of any trash or personal property that is hazardous, perishable, or valueless.

~~(b)~~(c) An item that is clearly labeled "rent to own" or "leased" or likewise identified may be discarded only with confirmation from the lessor that the item does not have a lien, provided that the lessor can be easily identified from the label and the landlord makes a reasonable effort to contact the lessor.

~~(c)~~(d) For the purposes of this subsection (1), the following definitions apply:

(i) "Hazardous" means an item that is potentially or actually flammable or a biohazard or an item otherwise capable of inflicting personal harm or injury.

(ii) "Perishable" means any item requiring refrigeration or any food item with a marked expiration date.

(iii) "Valueless" means any item that has an insubstantial resale value but does not include personal photos, jewelry, or other small items that are irreplaceable.

(2) The landlord shall inventory and store all abandoned personal property of the tenant that the landlord reasonably believes is valuable in a place of safekeeping and shall exercise reasonable care for the property. The landlord may charge a reasonable storage and labor charge if the property is stored by the landlord, plus the cost of removal of the property to the place of storage. The landlord may store the property in a commercial storage company, in which case the storage cost includes the actual storage charge plus the cost of removal of the property to the place of storage.

(3) After complying with subsection (2), the landlord shall make a reasonable attempt to notify the tenant in writing that the property must be removed from the place of safekeeping by sending a notice with a certificate of mailing or by certified mail to the last-known address of the tenant, stating that at a specified time, not less than 10 days after mailing the notice, the property will be disposed of if not removed.

(4) The landlord may dispose of the property after complying with subsection (3) by:

(a) selling all or part of the property at a public or private sale; or
(b) destroying or otherwise disposing of all or part of the property if the landlord reasonably believes that the value of the property is so low that the cost of storage or sale exceeds the reasonable value of the property.

(5) If the tenant, upon receipt of the notice provided in subsection (3), responds in writing to the landlord on or before the day specified in the notice that the tenant intends to remove the property and does not do so within 7 days after delivery of the tenant's response, the tenant's property whether of value or not is conclusively presumed to be abandoned. If the tenant removes the property, the landlord is entitled to storage costs for the period that the property remains in safekeeping, plus the cost of removal of the property to the place of storage. Reasonable storage costs are allowed a landlord who stores the property, and actual storage costs are allowed a landlord who stores the property in a commercial storage company. A landlord is entitled to payment of the storage costs allowed under this subsection before the tenant may remove the property.

(6) The landlord is not responsible for any loss to the tenant resulting from storage unless the loss is caused by the landlord's purposeful or negligent act. On the event of purposeful violation, the landlord is liable for actual damages.

(7) A public or private sale authorized by this section must be conducted under the provisions of 30-9A-610 or the sheriff's sale provisions of Title 25, chapter 13, part 7.

(8) The landlord may deduct from the proceeds of the sale the reasonable costs of notice, storage, labor, and sale and any delinquent rent or damages owing on the premises and shall remit to the tenant the remaining proceeds, if any, together with an itemized accounting. If the tenant cannot after due diligence be found, the remaining proceeds must be deposited with the county treasurer of the county in which the sale occurred and, if not claimed within 3 years, must revert to the general fund of the county available for general purposes.

(9) The landlord shall ensure that the terms of this section are included in plain and understandable language as a notification ~~in any lease or rental agreement at the time of the agreement or when the tenant occupies the property. The landlord shall provide the same notification upon termination of the lease or rental agreement.~~

Section 9. Section 70-25-201, MCA, is amended to read:

"70-25-201. Security deposit – deductions authorized therefrom.

(1) A landlord renting property covered by this chapter may deduct from the security deposit a sum equal to the damage alleged to have been caused by the tenant, together with a sum equal to the unpaid rent, late charges, utilities, penalties due under lease provisions, and other money owing to the landlord at the time of deduction, including rent owed under 70-24-441(3), and a sum for actual cleaning expenses, including a reasonable charge for the landlord's labor.

(2) At the request of either party, the premises may be inspected within 1 week prior to termination of the tenancy.

(3) Cleaning charges may not be imposed for normal maintenance performed on a cyclical basis by the landlord as noted by the landlord at the time that the tenant occupies the space unless the landlord is forced to perform this maintenance because of negligence of the tenant. Additionally, cleaning charges may not be deducted until written notice has been given to the tenant. The notice must include the cleaning not accomplished by the tenant and the additional and type or types of cleaning that need to be done by the tenant to bring the premises back to its condition at the time of its renting. After

the delivery of the notice, the tenant has 24 hours to complete the required cleaning. If notice is mailed by certified mail, service of the notice is considered to have been made 3 days after the date of the mailing. A tenant who fails to notify the landlord of the intent to vacate or who vacates the premises without notice relieves the landlord of the requirement of giving notice and allows the landlord to deduct the cleaning charges from the deposit, *or the landlord may leave a copy of the notice in a conspicuous location in the rental unit and notify the tenant by email, phone, or text, and notice is considered delivered.*

(4) A person may not deduct or withhold from the security deposit any amount for purposes other than those set forth in this section.”

Section 10. Section 70-33-103, MCA, is amended to read:

“70-33-103. Definitions. Unless the context clearly requires otherwise, in this chapter, the following definitions apply:

(1) *“Abandon” means to give up possession of the premises unless the landlord does not accept abandonment or surrender as provided in 70-33-426 or unless the rental agreement has been terminated as provided by law.*

(1)(2) *“Action” includes recoupment, counterclaim, setoff suit in equity, and any other proceeding in which rights are determined, including an action for possession.*

(3) *“Actual and reasonable cost” means the actual amount of expenses and labor incurred or expended and the reasonable amount of expenses and labor estimated to be incurred or expended.*

(2)(4) *“Case of emergency” means an extraordinary occurrence beyond the tenant’s control requiring immediate action to protect the premises or the tenant. A case of emergency may include the interruption of essential services, including electricity, gas, running water, and sewer and septic system service, or life-threatening events in which the tenant or landlord has reasonable apprehension of immediate danger to the tenant or others.*

(3)(5) *“Court” means the appropriate district court, small claims court, justice’s court, or city court.*

(4)(6) *“Good faith” means honesty in fact in the conduct of the transaction concerned.*

(5)(7) *“Landlord” means:*

(a) ~~the owner, lessor, or sublessor of:~~

(i) ~~space or land, including a lot, that is rented to a tenant for a mobile home; or~~

(ii) ~~a mobile home park; or~~

(b) *a person who has written authorization from the owner to act as the owner’s agent or assignee for purposes related to the premises or the rental agreement;*

(b)(c) *a manager of the premises who fails to disclose the managerial position; or*

(d) *a lessor who has written authorization from the owner of the premises to sublease the premises.*

(6)(8) *“Lot” means the space or land rented and not a mobile home itself.*

(7)(9) *“Mobile home” has the same meaning as provided in 15-1-101 and includes manufactured homes as defined in 15-1-101.*

(8)(10) *“Mobile home owner” means the owner of a mobile home entitled under a rental agreement to occupy a lot.*

(9)(11) *“Mobile home park” means a trailer court as defined in 50-52-101.*

(10)(12) *“Organization” includes a corporation, government, governmental subdivision or agency, business trust, estate, trust, partnership, association, two or more persons having a joint or common interest, and any other legal or commercial entity.*

~~(11)~~(13) "Person" includes an individual or organization.

~~(12)~~(14) "Premises" means a lot and the grounds, areas, and facilities held out for the use of tenants generally or promised for the use of a tenant.

~~(13)~~(15) "Rent" means all payments to be made to a landlord ~~under a rental agreement, including rent, late fees, or other charges as agreed on in the rental agreement, except money paid as a security deposit.~~

~~(14)~~(16) "Rental agreement" means all agreements, written or oral, and valid rules adopted under 70-33-311 embodying the terms and conditions concerning the use and occupancy of the premises.

~~(15)~~(17) "Tenant" means:

(a) a person entitled under a rental agreement to occupy a lot to the exclusion of others; or

(b) a person who, with the written approval of the landlord and pursuant to the rental agreement, has a sublease agreement with the person who is entitled to occupy the dwelling unit under the rental agreement.

(18) "Unauthorized person or trespasser" means a person who:

(a) enters or remains after being asked to leave by the landlord and does not receive written permission by the landlord to remain on the premises;

(b) is in violation of 45-6-201;

(c) is in violation of 45-6-203; or

(d) is in violation of 70-27-102."

Section 11. Section 70-33-201, MCA, is amended to read:

"70-33-201. Rental agreements. (1) A landlord and a tenant may include in a rental agreement terms and conditions not prohibited by this chapter or other rule or law.

(2) Unless the rental agreement provides otherwise:

(a) the tenant shall pay as rent the rental value for the use and occupancy of the lot as determined by the landlord;

(b) rent is payable at the landlord's address or using electronic funds transfer to an account designated for the payment of rent by the landlord;

(c) periodic rent is payable at the beginning of a term that is a month or less and otherwise in equal monthly installments at the beginning of each month;

(d) rent is uniformly apportionable from day to day; and

(e) the tenancy is from month to month; and

(f) *if either party terminates the rental agreement without cause prior to the expiration date of the lease term, the aggrieved party is entitled to monetary damages up to 1 month's rent or an amount that is agreed on in the rental agreement, which may not exceed 1 month's rent. Landlords shall follow 70-33-426(2) and are entitled to rent from defaulting tenants up to the date a new tenancy starts or the date the rental agreement term expires.*

(3) Rent is payable without demand or notice at the time and place agreed upon by the parties or as provided by subsection (2)."

Section 12. Section 70-33-303, MCA, is amended to read:

"70-33-303. Landlord to maintain premises – agreement that tenant perform duties. (1) A landlord shall:

(a) comply with the requirements of applicable building, and housing, and health department codes materially affecting health and safety *at the time of original construction*;

(b) make repairs and do whatever is necessary to put and keep the premises in a fit and habitable condition *except when it is the tenant's responsibility to maintain the dwelling unit pursuant to 70-33-321*;

(c) keep all common areas of the premises in a clean and safe condition;

(d) for the premises, maintain in good and safe working order and condition all electrical, plumbing, sanitary, heating, ventilating, air-conditioning, and other facilities and appliances, including elevators, supplied or required to be supplied by the landlord;

(e) unless otherwise provided in a rental agreement, provide and maintain appropriate receptacles and conveniences for the removal of ashes, garbage, rubbish, and other waste incidental to the occupancy of the lot and arrange for their removal; and

(f) supply running water at all times unless the lot is not required by law to be equipped for that purpose or the running water is generated by an installation within the exclusive control of the tenant.

(2) If the duty imposed by subsection (1)(a) is greater than a duty imposed by subsections (1)(b) through (1)(f), a landlord's duty must be determined by reference to subsection (1)(a).

(3) A landlord and tenant may agree in writing that the tenant is to perform the landlord's duties specified in subsections (1)(e) and (1)(f) but only if the agreement is entered into in good faith and not for the purpose of evading the obligations of the landlord.

(4) A landlord and tenant may agree that the tenant is to perform specified repairs, maintenance tasks, alterations, or remodeling only if:

(a) the agreement of the parties is entered into in good faith and not for the purpose of evading the obligations of the landlord and is set forth in a separate writing signed by the parties and supported by adequate consideration;

(b) the work is not necessary to cure noncompliance with subsection (1)(a); and

(c) the agreement does not diminish the obligation of the landlord to other tenants."

Section 13. Section 70-33-312, MCA, is amended to read:

"70-33-312. Access to premises by landlord. (1) A tenant may not unreasonably withhold consent to the landlord or the landlord's agent to enter the lot in order to inspect the premises, make necessary or agreed repairs, alterations, or improvements, supply necessary or agreed services, or exhibit the lot to prospective or actual purchasers, mortgagees, tenants, workers, or contractors.

(2) A landlord may enter the lot without consent of the tenant in case of emergency.

(3) (a) A landlord may not abuse the right of access or use it to harass the tenant. Except in case of emergency or unless it is impracticable to do so, the landlord shall give the tenant at least 24 hours' notice of the intent to enter and may enter only at reasonable times.

(b) *For the purposes of this subsection (3), in addition to the provisions of 70-33-106, a tenant has notice of the intent to enter if the landlord conspicuously posts the landlord's intent to enter on the main entry door of the dwelling unit.*

(4) A landlord has no other right of access except:

(a) pursuant to a court order;

(b) as permitted by 70-33-425 and 70-33-426(1)(b); or

(c) when the tenant has abandoned or surrendered the premises.

(5) A tenant may not remove a lock or replace or add a lock not supplied by the landlord to the premises without the written permission of the landlord. If a tenant removes a lock or replaces or adds a lock not supplied by the landlord to the premises, the tenant shall provide the landlord with a key to ensure that the landlord will have the right of access as provided by this chapter."

Section 14. Section 70-33-321, MCA, is amended to read:

“70-33-321. Tenant to maintain lot. (1) A tenant shall:

(a) comply with all obligations primarily imposed upon tenants by applicable provisions of building and housing codes materially affecting health and safety;

(b) keep that part of the premises that the tenant occupies and uses as reasonably clean and safe as the condition of the premises permits;

(c) dispose of all ashes, garbage, rubbish, and other waste from the lot in a clean and safe manner;

(d) use in a reasonable manner all electrical, plumbing, sanitary, heating, ventilating, air-conditioning, and other facilities and appliances, including elevators, in the premises;

(e) conduct oneself and require other persons on the premises with the tenant's consent to conduct themselves in a manner that will not disturb the tenant's neighbors' peaceful enjoyment of the premises; and

(f) use the parts of the premises in a reasonable manner considering the purposes for which they were designed and intended.

(2) This section does not preclude the right of the tenant to operate a limited business or cottage industry on the premises, subject to state and local laws, if the landlord has consented in writing. The landlord may not unreasonably withhold consent if the limited business or cottage industry is operated within reasonable rules of the landlord.

(3) A tenant may not destroy, deface, damage, impair, or remove any part of the premises or permit any person to do so.

(4) A tenant may not engage or knowingly allow any person to engage in any activity on the premises that creates a reasonable potential that the premises may be damaged or destroyed or that neighboring tenants may be injured by any of the following:

(a) criminal production or manufacture of dangerous drugs, as prohibited by 45-9-110;

(b) operation of an unlawful clandestine laboratory, as prohibited by 45-9-132; or

(c) gang-related activities, as prohibited by Title 45, chapter 8, part 4;

(d) *unlawful possession of a firearm, explosive, or hazardous or toxic substance; or*

(e) *any activity that is otherwise prohibited by law.”*

Section 15. Section 70-33-401, MCA, is amended to read:

“70-33-401. Administration of remedies – enforcement – agreement. (1) The remedies provided by this chapter must be administered so that an aggrieved party may recover appropriate damages. The aggrieved party has a duty to mitigate damages. *The aggrieved party may include a reasonable charge for the party's labor.*

(2) A right or obligation declared by this chapter is enforceable by action unless the provision declaring it specifies a different and limited effect. *Nothing in this chapter prohibits the assignment of a right or the claim of a right by either landlord or tenant. The landlord's or tenant's defenses and obligations may not be affected by an assignment.*

(3) Rules and regulations that are not a part of this chapter and that affect the relationship between the landlord and tenant must be uniformly and fairly applied and enforced.

(4) A claim or right arising under this chapter or on a rental agreement, if disputed in good faith, may be settled by agreement.”

Section 16. Section 70-33-430, MCA, is amended to read:

“70-33-430. Disposition of abandoned personal property. (1) (a) *If a tenancy terminates by court order, the personal property is considered abandoned and the landlord may immediately dispose of the personal property as allowed by law.*

(b) If a tenancy terminates in any manner ~~except by other than~~ by court order, if the landlord reasonably believes that the tenant has abandoned all personal property that the tenant has left on the premises, and if at least ~~5 days~~ 48 hours have elapsed since the occurrence of the events upon which the landlord has based the belief of abandonment, the landlord may remove the property from the premises.

(2) The landlord shall inventory and store all personal property of the tenant in a place of safekeeping and shall exercise reasonable care for the property. The landlord may charge a reasonable storage and labor charge if the property is stored by the landlord, plus the cost of removal of the property to the place of storage. The landlord may store the property in a commercial storage company, in which case the storage cost includes the actual storage charge plus the cost of removal of the property to the place of storage.

(3) After complying with subsections (1) and (2), the landlord shall:

(a) make a reasonable attempt to notify the tenant in writing that the property must be removed from the place of safekeeping;

(b) notify the local law enforcement office of the property held by the landlord;

(c) make a reasonable effort to determine if the property is secured or otherwise encumbered; and

(d) send a notice by certified mail to the last-known address of the tenant and each known party having a lien or encumbrance of record, stating that at a specified time, not less than 15 days after mailing the notice, the property will be disposed of if not removed.

(4) The landlord may dispose of the property after complying with subsection (3) by:

(a) selling all or part of the property at a public or private sale; or

(b) destroying or otherwise disposing of all or part of the property if the landlord reasonably believes that the value of the property is so low that the cost of storage or sale exceeds the reasonable value of the property.

(5) (a) If the tenant, upon receipt of the notice provided in subsection (3), responds in writing to the landlord on or before the day specified in the notice that the tenant intends to remove the property and does not do so within 7 days after delivery of the tenant's response, the tenant's property is conclusively presumed to be abandoned.

(b) If the tenant removes the property, the landlord is entitled to storage costs for the period that the property remains in safekeeping, plus the cost of removal of the property to the place of storage. Reasonable storage costs are allowed to a landlord who stores the property, and actual storage costs are allowed to a landlord who stores the property in a commercial storage company. A landlord is entitled to payment of the storage costs allowed under this subsection before the tenant may remove the property.

(6) The landlord is not responsible for any loss to the tenant resulting from storage unless the loss is caused by the landlord's purposeful or negligent act, in which case the landlord is liable for actual damages.

(7) *A public or private sale authorized by this section must be conducted under the provisions of 30-9A-610 or the sheriff's sale provisions of Title 25, chapter 13, part 7.*

(7)—(a)(8) The landlord may deduct from the proceeds of the sale the reasonable costs of notice, storage, labor, and sale and, subject to any prior security interest of record, any delinquent rent or damages owing on the premises. The landlord shall remit to the tenant the remaining proceeds, if any, together with an itemized accounting.

(b) If the tenant cannot after due diligence be found, the remaining proceeds must be deposited with the county treasurer of the county in which the sale occurred and, if not claimed within 3 years, must revert to the general fund of the county.

(9) *The landlord shall ensure that the terms of this section are included in plain and understandable language as a notification upon termination of the lease or rental agreement.*

Section 17. Section 70-33-433, MCA, is amended to read:

“70-33-433. Grounds for termination of rental agreement. (1) If there is a noncompliance by the tenant with the rental agreement or with a provision of 70-33-321, the landlord may deliver a written notice to the tenant pursuant to 70-33-106 specifying the acts or omissions constituting the noncompliance and stating that the rental agreement will terminate upon the date specified in the notice that may not be less than the minimum number of days after receipt of the notice provided for in this section. The rental agreement terminates as provided in the notice for one or more of the following reasons and subject to the following conditions:

(a) nonpayment of rent, late charges, or common area maintenance fees as established in the rental agreement, for which the notice period is 7 days;

(b) a violation of a rule other than provided for in subsection (1)(a) that does not create an immediate threat to the health and safety of any other tenant or the landlord or manager, for which the notice period is 14 days;

(c) a violation of a rule that creates an immediate threat to the health and safety of any other tenant or the landlord or manager, for which the notice period is 24 hours;

(d) late payment of rent, late charges, or common area maintenance fees, as established in the rental agreement, three or more times within a 12-month period if written notice is given by the landlord after each failure to pay, as required by subsection (1)(a), for which the notice period for termination for the final late payment is 30 days;

(e) a violation of a rule that creates an immediate threat to the health and safety of any other tenant or the landlord or manager whether or not notice was given pursuant to subsection (1)(c) and the violation was remedied as provided in subsection (3), for which the notice period is 14 days;

(f) two or more violations within a ~~12-month~~ 6-month period of the same rule for which notice has been given for each prior violation, as provided in subsection (1)(a), (1)(b), or (1)(c), for which the notice period for the final violation is 30 days;

(g) two or more violations of 70-33-321(1) within a ~~12-month~~ 6-month period, for which the notice period for the final violation is 14 days;

(h) any violation of 70-33-321(3), for which the notice period is as provided in 70-33-422(1);

(i) disorderly conduct that results in disruption of the rights of others to the peaceful enjoyment and use of the premises, for which the notice period is ~~30~~ 7 days;

(j) any other noncompliance or violation not covered by subsections (1)(a) through (1)(i) that endangers other tenants or mobile home park personnel or the landlord or manager or causes substantial damage to the premises, for which the notice period is 14 days;

(k) conviction of the mobile home owner or a tenant of the mobile home owner of a violation of a federal or state law or local ordinance, when the violation is detrimental to the health, safety, or welfare of other tenants or the landlord or manager or the landlord's documentation of a violation of the provisions of Title 45, chapter 9, for which the notice period is 14 days;

(l) changes in the use of the land if the requirements of subsection (2) are met, for which the notice period is 180 days;

(m) any legitimate business reason not covered elsewhere in this subsection (1) if the landlord meets the following requirements:

(i) the termination does not violate a provision of this section or any other state statute; and

(ii) the landlord has given the mobile home owner or tenant of the mobile home owner a minimum of 90 days' written notice of the termination.

(2) If a landlord plans to change the use of all or part of the premises from mobile home lot rentals to some other use, each affected mobile home owner must receive notice from the landlord as follows:

(a) The landlord shall give the mobile home owner and a tenant of the mobile home owner at least 15 days' written notice that the landlord will be appearing before a unit of local government to request permits for a change of use of the premises.

(b) After all required permits requesting a change of use have been approved by the unit of local government, the landlord shall give the mobile home owner and a tenant of the mobile home owner 6 months' written notice of termination of tenancy. If the change of use does not require local government permits, the landlord shall give the written notice at least 6 months prior to the change of use. In the notice the landlord shall disclose and describe in detail the nature of the change of use.

(c) Prior to entering a rental agreement during the 6-month notice period referred to in subsection (2)(b), the landlord shall give each prospective mobile home owner and any tenant of the mobile home owner whose identity and address have been provided to the landlord written notice that the landlord is requesting a change in use before a unit of local government or that a change in use has been approved.

(3) Subject to the right to terminate in subsections (1)(d) through (1)(k), if the noncompliance described in subsections (1)(a) through (1)(c) is remediable by repairs, the payment of damages, or otherwise and the tenant adequately remedies the noncompliance before the date specified in the notice, the rental agreement does not terminate as a result of that noncompliance.

(4) For purposes of calculating the total number of notices given within a 12-month period under subsection (1)(d), only one notice for each violation per month may be included in the calculation."

Section 18. Codification instruction. (1) [Section 1] is intended to be codified as an integral part of Title 70, chapter 24, and the provisions of Title 70, chapter 24, apply to [section 1].

(2) [Section 2] is intended to be codified as an integral part of Title 70, chapter 33, and the provisions of Title 70, chapter 33, apply to [section 2].

Section 19. Effective date. [This act] is effective on passage and approval.

Approved May 14, 2021

CHAPTER NO. 537

[HB 553]

AN ACT LIMITING THE TIME FOR WHICH A SUSPENDED SENTENCE MAY BE IMPOSED FOR A FELONY OFFENSE; AMENDING SECTION 46-18-201, MCA; AND PROVIDING AN APPLICABILITY DATE.

Be it enacted by the Legislature of the State of Montana:

Section 1. Section 46-18-201, MCA, is amended to read:

“46-18-201. Sentences that may be imposed. (1) (a) Whenever a person has been found guilty of an offense upon a verdict of guilty or a plea of guilty or nolo contendere, a sentencing judge may defer imposition of sentence, except as otherwise specifically provided by statute, for a period:

(i) not exceeding 1 year for a misdemeanor or for a period not exceeding 3 years for a felony; or

(ii) not exceeding 2 years for a misdemeanor or for a period not exceeding 6 years for a felony if a financial obligation is imposed as a condition of sentence for either the misdemeanor or the felony, regardless of whether any other conditions are imposed.

(b) Except as provided in 46-18-222, imposition of sentence in a felony case may not be deferred in the case of an offender who has been convicted of a felony on a prior occasion, whether or not the sentence was imposed, imposition of the sentence was deferred, or execution of the sentence was suspended.

(2) (a) Whenever a person has been found guilty of an offense upon a verdict of guilty or a plea of guilty or nolo contendere, a sentencing judge may suspend execution of sentence, except as *provided in subsection (2)(b) or as otherwise specifically provided by statute*, for a period up to the maximum sentence allowed or for a period of 6 months, whichever is greater, for each particular offense.

(b) (i) *Except as provided in subsections (2)(b)(ii) and (2)(b)(iii), a sentencing judge may not suspend execution of sentence, including when imposing a sentence under subsection (3)(a)(vii), in a manner that would result in an offender being supervised in the community as a probationer by the department of corrections for a period of time longer than:*

(A) 20 years for a sexual offender, as defined in 46-23-502;

(B) 20 years for an offender convicted of deliberate homicide, as defined in 45-5-102, or mitigated homicide, as defined in 45-5-103;

(C) 15 years for a violent offender, as defined in 46-23-502, and for an offender convicted of negligent homicide, as defined in 45-5-104, or vehicular homicide while under the influence, as defined in 45-5-106;

(D) 10 years for an offender convicted of 45-9-101, 45-9-103, 45-9-107, 45-9-109, 45-9-110, 45-9-125, 45-9-127, or 45-9-132; or

(E) 5 years for all other felony offenses.

(ii) *The provisions of subsections (2)(b)(i)(A) and (2)(b)(i)(B) do not apply if the sentencing judge finds that a longer term of supervision is needed for the protection of society or the victim. The sentencing judge shall state as part of the sentence and the judgment the reasons a longer suspended sentence is needed to protect society or the victim.*

(iii) *The provisions of subsections (2)(b)(i)(A) and (2)(b)(i)(B) do not apply to violations of 45-6-301 if the amount of restitution ordered exceeds \$50,000.*

(3) (a) Whenever a person has been found guilty of an offense upon a verdict of guilty or a plea of guilty or nolo contendere, a sentencing judge may impose a sentence that may include:

(i) a fine as provided by law for the offense;

(ii) payment of costs, as provided in 46-18-232, or payment of costs of assigned counsel as provided in 46-8-113;

(iii) a term of incarceration, as provided in Title 45 for the offense, at a county detention center or at a state prison to be designated by the department of corrections;

(iv) commitment of:

(A) an offender not referred to in subsection (3)(a)(iv)(B) to the department of corrections with a recommendation for placement in an appropriate correctional facility or program; however, all but the first 5 years of the commitment to the department of corrections must be suspended, except as provided in 45-5-503(4), 45-5-507(5), 45-5-601(3), 45-5-602(3), 45-5-603(2)(b), and 45-5-625(4); or

(B) a youth transferred to district court under 41-5-206 and found guilty in the district court of an offense enumerated in 41-5-206 to the department of corrections for a period determined by the court for placement in an appropriate correctional facility or program;

(v) chemical treatment of sexual offenders, as provided in 45-5-512, if applicable, that is paid for by and for a period of time determined by the department of corrections, but not exceeding the period of state supervision of the person;

(vi) commitment of an offender to the department of corrections with the requirement that immediately subsequent to sentencing or disposition the offender is released to community supervision and that any subsequent violation must be addressed as provided in 46-23-1011 through 46-23-1015; or

(vii) any combination of subsection (2) and this subsection (3)(a).

(b) A court may permit a part or all of a fine to be satisfied by a donation of food to a food bank program.

(4) When deferring imposition of sentence or suspending all or a portion of execution of sentence, the sentencing judge may impose on the offender any reasonable restrictions or conditions during the period of the deferred imposition or suspension of sentence. Reasonable restrictions or conditions imposed under subsection (1)(a) or (2) may include but are not limited to:

(a) limited release during employment hours as provided in 46-18-701;

(b) incarceration in a detention center not exceeding 180 days;

(c) conditions for probation;

(d) payment of the costs of confinement;

(e) payment of a fine as provided in 46-18-231;

(f) payment of costs as provided in 46-18-232 and 46-18-233;

(g) payment of costs of assigned counsel as provided in 46-8-113;

(h) with the approval of the facility or program, an order that the offender be placed in a community corrections facility or program as provided in 53-30-321;

(i) with the approval of the prerelease center or prerelease program and confirmation by the department of corrections that space is available and that the offender is a suitable candidate, an order that the offender be placed in a chemical dependency treatment program, prerelease center, or prerelease program for a period not to exceed 1 year;

(j) community service;

(k) home arrest as provided in Title 46, chapter 18, part 10;

(l) payment of expenses for use of a judge pro tempore or special master as provided in 3-5-116;

(m) participation in a day reporting program provided for in 53-1-203;

(n) participation in the 24/7 sobriety and drug monitoring program provided for in Title 44, chapter 4, part 12, for a violation of 61-8-465, a

second or subsequent violation of 61-8-401, 61-8-406, or 61-8-411, or a second or subsequent violation of any other statute that imposes a jail penalty of 6 months or more if the abuse of alcohol or dangerous drugs was a contributing factor in the commission of the crime or for a violation of any statute involving domestic abuse or the abuse or neglect of a minor if the abuse of alcohol or dangerous drugs was a contributing factor in the commission of the crime regardless of whether the charge or conviction was for a first, second, or subsequent violation of the statute;

(o) participation in a restorative justice program approved by court order and payment of a participation fee of up to \$150 for program expenses if the program agrees to accept the offender;

(p) any other reasonable restrictions or conditions considered necessary for rehabilitation or for the protection of the victim or society;

(q) with approval of the program and confirmation by the department of corrections that space is available, an order that the offender be placed in a residential treatment program; or

(r) any combination of the restrictions or conditions listed in this subsection (4).

(5) In addition to any other penalties imposed, if a person has been found guilty of an offense upon a verdict of guilty or a plea of guilty or nolo contendere and the sentencing judge finds that a victim, as defined in 46-18-243, has sustained a pecuniary loss, the sentencing judge shall, as part of the sentence, require payment of full restitution to the victim, as provided in 46-18-241 through 46-18-249, whether or not any part of the sentence is deferred or suspended.

(6) (a) Except as provided in subsection (6)(b), in addition to any of the penalties, restrictions, or conditions imposed pursuant to subsections (1) through (5), the sentencing judge may include the suspension of the license or driving privilege of the person to be imposed upon the failure to comply with any penalty, restriction, or condition of the sentence. A suspension of the license or driving privilege of the person must be accomplished as provided in 61-5-214 through 61-5-217.

(b) A person's license or driving privilege may not be suspended due to nonpayment of fines, costs, or restitution.

(7) In imposing a sentence on an offender convicted of a sexual or violent offense, as defined in 46-23-502, the sentencing judge may not waive the registration requirement provided in Title 46, chapter 23, part 5.

(8) If a felony sentence includes probation, the department of corrections shall supervise the offender unless the court specifies otherwise.

(9) When imposing a sentence under this section that includes incarceration in a detention facility or the state prison, as defined in 53-30-101, the court shall provide credit for time served by the offender before trial or sentencing.

(10) As used in this section, "dangerous drug" has the meaning provided in 50-32-101."

Section 2. Saving clause. [This act] does not affect rights and duties that matured, penalties that were incurred, or proceedings that were begun before [the effective date of this act].

Section 3. Coordination instruction. If both House Bill No. 391 and [this act] are passed and approved, then [section 1(2)(b)(i)(C) of this act], amending 46-18-201, must read as follows:

"(C) 15 years for a violent offender, as defined in 46-23-502, an offender convicted of negligent homicide, as defined in 45-5-104, vehicular homicide while under the influence, as defined in 45-5-106, or criminal distribution of

dangerous drugs that results in the death of an individual from use of the dangerous drug, as provided in 45-9-101(5);”

Section 4. Applicability. [This act] applies to crimes committed on or after [the effective date of this act].

Approved May 14, 2021

CHAPTER NO. 538

[HB 554]

AN ACT REQUIRING LEGISLATIVE APPROVAL OF NATIONAL HERITAGE AREAS AND NATIONAL HISTORIC TRAILS IN MONTANA.

WHEREAS, National Heritage Areas and National Historic Trails are designated by the United States Congress as places where natural, cultural, and historic resources form a nationally important landscape; and

WHEREAS, the proposed boundaries for areas and trail designations can include federal, state, and private property; and

WHEREAS, the State of Montana and private property owners have no ability to remove their property from this designation; and

WHEREAS, a National Heritage Area or National Historic Trail designation is a federal legislative process with no application or nomination process, and designations should instead be made through grassroots, community-driven efforts; and

WHEREAS, there is significant opposition to including private property in a National Heritage Area, as it will be managed or controlled by a private, unelected, unaccountable entity and will interfere with state and private property rights; and

WHEREAS, National Heritage Areas are administered by the National Park Service, and National Historic Trails are administered by the National Park Service, the United States Department of Agriculture Forest Service, and the Bureau of Land Management, depending on the trail; and

WHEREAS, national designations can accept and administer money paid by the United States Secretary of the Interior; and

WHEREAS, financial assistance components, legal agreements, accountability measures, and performance requirements for National Heritage Areas and National Historic Trails can create undue burdens for state and private property under federal oversight.

Be it enacted by the Legislature of the State of Montana:

Section 1. Legislative approval of national designations. Any designation by the United States national park service of a national heritage area or national historic trail, pursuant to 54 U.S.C. 300101 et seq., that extends beyond federal land requires the approval of the legislature prior to a congressional act.

Section 2. Codification instruction. [Section 1] is intended to be codified as an integral part of Title 22, chapter 3, and the provisions of Title 22, chapter 3, apply to [section 1].

Approved May 14, 2021

CHAPTER NO. 539

[HB 555]

AN ACT REVISING CIVIL LIABILITY LAWS; INCREASING THE VALUE OF CERTAIN PERSONAL PROPERTY EXEMPT FROM EXECUTION; AMENDING SECTION 25-13-609, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.

Be it enacted by the Legislature of the State of Montana:

Section 1. Section 25-13-609, MCA, is amended to read:

“25-13-609. Personal property exempt subject to value limitations.

A judgment debtor is entitled to exemption from execution of the following:

(1) the judgment debtor’s interest, not to exceed ~~\$4,500~~ **\$7,000** in aggregate value, to the extent of a value not exceeding ~~\$600~~ **\$1,250** in any item of property, in household furnishings and goods, appliances, jewelry, wearing apparel, books, firearms and other sporting goods, animals, feed, crops, and musical instruments;

(2) the judgment debtor’s interest, not to exceed ~~\$2,500~~ **\$4,000** in value, in one motor vehicle; and

(3) the judgment debtor’s interest, not to exceed ~~\$3,000~~ **\$4,500** in aggregate value, in any implements, professional books, and tools, of the trade of the judgment debtor or a dependent of the judgment debtor.”

Section 2. Effective date. [This act] is effective on passage and approval.

Approved May 14, 2021

CHAPTER NO. 540

[HB 559]

AN ACT REVISING LAWS RELATED TO CONFIDENTIAL CRIMINAL JUSTICE INFORMATION; PROVIDING CERTAIN NOTICE REQUIREMENTS TO INDIVIDUALS WHO MAY HAVE A PRIVACY INTEREST IN THE INFORMATION REQUESTED THAT MUST BE MET BY THE TIME A DECLARATORY JUDGMENT ACTION IS FILED; AND AMENDING SECTION 44-5-303, MCA.

Be it enacted by the Legislature of the State of Montana:

Section 1. Section 44-5-303, MCA, is amended to read:

“44-5-303. (Temporary) Dissemination of confidential criminal justice information – procedure for dissemination through court.

(1) Except as provided in subsections (2) through (4), dissemination of confidential criminal justice information is restricted to criminal justice agencies, to those authorized by law to receive it, and to those authorized to receive it by a district court upon a written finding that the demands of individual privacy do not clearly exceed the merits of public disclosure. Permissible dissemination of confidential criminal justice information under this subsection includes receiving investigative information from and sharing investigative information with a chief of a governmental fire agency organized under Title 7, chapter 33, or fire marshal concerning the criminal investigation of a fire.

(2) If the prosecutor determines that dissemination of confidential criminal justice information would not jeopardize a pending investigation or other criminal proceeding, the information may be disseminated to a victim of

the offense by the prosecutor or by the investigating law enforcement agency after consultation with the prosecutor.

(3) Unless otherwise ordered by a court, a person or criminal justice agency that accepts confidential criminal justice information assumes equal responsibility for the security of the information with the originating agency. Whenever confidential criminal justice information is disseminated, it must be designated as confidential.

(4) The county attorney or the county attorney's designee is authorized to receive confidential criminal justice information for the purpose of cooperating with the child abuse and neglect review commission established in 2-15-2019 and local fetal, infant, child, and maternal mortality review teams. The county attorney or the county attorney's designee may, in that person's discretion, disclose information determined necessary to the goals of the review commission or the review team. The review commission, the review team, and the county attorney or the county attorney's designee shall maintain the confidentiality of the information.

(5) (a) If a prosecutor receives a written request for release of confidential criminal justice information relating to a criminal investigation that has been terminated by declination of prosecution or relating to a criminal prosecution that has been completed by entry of judgment, dismissal, or acquittal, *or if the disclosure may be in the public interest*, the prosecutor may file a declaratory judgment action with the district court pursuant to the provisions of the Uniform Declaratory Judgments Act, Title 27, chapter 8, for release of the information. The prosecutor shall:

(i) file the action in the name of the city or county that the prosecutor represents and describe the city's or county's interest;

(ii) list as defendants anyone known to the prosecutor who has requested the confidential criminal justice information ~~and anyone affected by release of the information~~;

(iii) *no later than the time of the filing of the declaratory judgment action:*

(A) *make reasonable efforts to provide notice to a victim of the alleged offense and any person with a protected privacy interest in information contained in the confidential criminal justice information and any other individual who would be affected by the release of the information of the request for release of confidential criminal justice information and the filing of the declaratory judgment action; and*

(B) *provide notice that the person may file an objection to disclosure with the district court if the person believes a privacy interest that they possess exceeds the merits of public disclosure;*

~~(iii)~~(iv) request that the prosecutor be allowed to deposit the investigative file and any edited version of the file with the court pursuant to the provisions of Title 27, chapter 8; *and*

~~(iv)~~(v) request the court to:

(A) *no sooner than 30 calendar days following the filing of the declaratory judgment action to ensure an opportunity for a person seeking to protect a privacy interest, conduct an in camera review of the confidential criminal justice information to determine whether the demands of individual privacy do not clearly exceed the merits of public disclosure; and*

(B) order the release to the requesting party defendant of whatever portion of the investigative information or edited version of the information the court determines appropriate.

(b) In making an order authorizing the release of information under subsection (5)(a), the court shall make a written finding that the demands of individual privacy do not clearly exceed the merits of public disclosure

and authorize, upon payment of reasonable reproduction costs, the release of appropriate portions of the edited or complete confidential criminal justice information to persons who request the information.

(c) In an action filed for the court-ordered release of confidential criminal justice information under subsection (5)(a), the parties shall bear their respective costs and attorney fees.

(6) The procedures set forth in subsection (5) are not an exclusive remedy. A person or organization may file any action for dissemination of information that the person or organization considers appropriate and permissible. (Terminates September 30, 2021--sec. 12, Ch. 235, L. 2017.)

44-5-303. (Effective October 1, 2021) Dissemination of confidential criminal justice information – procedure for dissemination through court. (1) Except as provided in subsections (2) through (4), dissemination of confidential criminal justice information is restricted to criminal justice agencies, to those authorized by law to receive it, and to those authorized to receive it by a district court upon a written finding that the demands of individual privacy do not clearly exceed the merits of public disclosure. Permissible dissemination of confidential criminal justice information under this subsection includes receiving investigative information from and sharing investigative information with a chief of a governmental fire agency organized under Title 7, chapter 33, or fire marshal concerning the criminal investigation of a fire.

(2) If the prosecutor determines that dissemination of confidential criminal justice information would not jeopardize a pending investigation or other criminal proceeding, the information may be disseminated to a victim of the offense by the prosecutor or by the investigating law enforcement agency after consultation with the prosecutor.

(3) Unless otherwise ordered by a court, a person or criminal justice agency that accepts confidential criminal justice information assumes equal responsibility for the security of the information with the originating agency. Whenever confidential criminal justice information is disseminated, it must be designated as confidential.

(4) The county attorney or the county attorney's designee is authorized to receive confidential criminal justice information for the purpose of cooperating with local fetal, infant, child, and maternal mortality review teams. The county attorney or the county attorney's designee may, in that person's discretion, disclose information determined necessary to the goals of the review team. The review team and the county attorney or the designee shall maintain the confidentiality of the information.

(5) (a) If a prosecutor receives a written request for release of confidential criminal justice information relating to a criminal investigation that has been terminated by declination of prosecution or relating to a criminal prosecution that has been completed by entry of judgment, dismissal, or acquittal, *or if the disclosure may be in the public interest*, the prosecutor may file a declaratory judgment action with the district court pursuant to the provisions of the Uniform Declaratory Judgments Act, Title 27, chapter 8, for release of the information. The prosecutor shall:

(i) file the action in the name of the city or county that the prosecutor represents and describe the city's or county's interest;

(ii) list as defendants anyone known to the prosecutor who has requested the confidential criminal justice information ~~and anyone affected by release of the information;~~

(iii) *no later than the time of the filing of the declaratory judgment action:*

(A) *make reasonable efforts to provide notice to a victim of the alleged offense and any person with a protected privacy interest in information contained in the confidential criminal justice information and any other individual who would be affected by release of the information of the request for release of confidential criminal justice information and the filing of the declaratory judgment action; and*

(B) *provide notice that the person may file an objection to disclosure with the district court if the person believes a privacy interest that they possess exceeds the merits of public disclosure;*

(iii)(iv) *request that the prosecutor be allowed to deposit the investigative file and any edited version of the file with the court pursuant to the provisions of Title 27, chapter 8; and*

(iv)(v) *request the court to:*

(A) *no sooner than 30 calendar days following the filing of the declaratory judgment action to ensure an opportunity for a person seeking to protect a privacy interest, conduct an in camera review of the confidential criminal justice information to determine whether the demands of individual privacy do not clearly exceed the merits of public disclosure; and*

(B) *order the release to the requesting party defendant of whatever portion of the investigative information or edited version of the information the court determines appropriate.*

(b) In making an order authorizing the release of information under subsection (5)(a), the court shall make a written finding that the demands of individual privacy do not clearly exceed the merits of public disclosure and authorize, upon payment of reasonable reproduction costs, the release of appropriate portions of the edited or complete confidential criminal justice information to persons who request the information.

(c) In an action filed for the court-ordered release of confidential criminal justice information under subsection (5)(a), the parties shall bear their respective costs and attorney fees.

(6) The procedures set forth in subsection (5) are not an exclusive remedy. A person or organization may file any action for dissemination of information that the person or organization considers appropriate and permissible.”

Approved May 14, 2021

CHAPTER NO. 541

[HB 572]

AN ACT CREATING THE MONTANA SCHOOL MARSHAL PROGRAM; PROVIDING QUALIFICATIONS TO BE APPOINTED AS A SCHOOL MARSHAL; PROVIDING SCHOOL MARSHAL DUTIES; PROVIDING DUTIES FOR SCHOOL DISTRICT BOARDS OF TRUSTEES; REQUIRING NOTIFICATION TO LAW ENFORCEMENT; ALLOWING THE SCHOOL DISTRICT TO PAY FOR CERTAIN COSTS; AMENDING SECTION 45-8-361, MCA; AND PROVIDING AN EFFECTIVE DATE.

Be it enacted by the Legislature of the State of Montana:

Section 1. School marshal program – qualifications. (1) The board of trustees may appoint an independent contractor or a school district employee to be certified as a school marshal. The appointed employee must be a full-time employee of the district.

(2) A school marshal may be:

(a) employed full-time as a school marshal; or

(b) retained on a full-time or part-time basis and may have other assigned duties in the discretion of the board of trustees.

(3) To be eligible to serve as a school marshal, the independent contractor or school district employee must:

(a) have a permit to carry a concealed weapon pursuant to 45-8-321;

(b) meet the qualifications required for peace officers pursuant to 7-32-303; and

(c) be an active or retired peace officer as defined in 46-1-202(17).

(4) If an applicant for a school marshal position is an active or retired public safety officer from another state, the applicant must be certified by the Montana public safety officer standards and training council.

(5) For the purposes of [sections 1 through 4], the following definitions apply:

(a) "Montana public safety officer standards and training council" means the council established in 2-15-2029.

(b) "Public school property" has the meaning provided in 20-1-220.

(c) "School marshal" means a person who is appointed by the board of trustees and employed or retained by a school district to protect the health and safety of persons and to maintain order on public school property.

Section 2. School marshal duties and responsibilities. (1) A school marshal may act only as necessary to prevent or stop the commission of an offense that threatens serious bodily injury or death of persons on public school property.

(2) Pursuant to 45-8-361, with the consent of the trustees, a school marshal may possess, carry, and store a firearm on public school property.

(3) The trustees shall adopt a policy describing the school marshal's duties and responsibilities. The policy must:

(a) provide procedures for how a school marshal may possess, carry, and store a firearm on public school property as authorized pursuant to 45-8-361 and subsection (2) of this section;

(b) provide alternate procedures regarding the possession, carrying, and storage of a firearm by a school marshal based on the amount of time the school marshal has regular, direct contact with students;

(c) specify the types of firearms, ammunition, and other related equipment that a school marshal is authorized to possess, carry, and store on public school property; and

(d) specify requirements regarding the subject matter and frequency of additional professional development and training.

Section 3. School marshal program – trustees' duties. (1) To implement a school marshal program, the trustees shall:

(a) ensure that a school district employee who is appointed as a school marshal satisfies the qualifications required under [section 1]; and

(b) adopt a written school marshal program policy as required under [section 2(3)].

(2) An individual's status as a school marshal ends if:

(a) the individual's license to carry a concealed weapon is suspended or revoked;

(b) the school marshal is an employee of the school district and the employee's employment with the school district ends; or

(c) the board of trustees sends written notice to the individual that the individual's services as a school marshal are no longer required.

Section 4. Law enforcement notification. The trustees shall submit the school marshal's name, date of birth, and address of the school marshal's place of employment to:

- (1) the Montana public safety officer standards and training council; and
- (2) all applicable law enforcement agencies with jurisdiction and emergency response authority in the school district, including:
 - (a) the chief law enforcement officer of the local municipal law enforcement agency, if the school district is located within a municipality;
 - (b) the sheriff of a county where a school district is located; and
 - (c) in the case of a district located within the boundaries of a reservation, the chief tribal law enforcement officer and area federal law enforcement authorities.

Section 5. Section 45-8-361, MCA, is amended to read:

“45-8-361. Possession or allowing possession of weapon in school building – exceptions – penalties – seizure and forfeiture or return authorized – definitions. (1) A person commits the offense of possession of a weapon in a school building if the person purposely and knowingly possesses, carries, or stores a weapon in a school building.

(2) A parent or guardian of a minor commits the offense of allowing possession of a weapon in a school building if the parent or guardian purposely and knowingly permits the minor to possess, carry, or store a weapon in a school building.

(3) (a) Subsection (1) does not apply to law enforcement personnel *or to a school marshal in the school district where the school marshal is contracted or employed*.

(b) The trustees of a district may grant persons and entities advance permission to possess, carry, or store a weapon in a school building.

(4) (a) A person convicted under this section shall be fined an amount not to exceed \$500, imprisoned in the county jail for a term not to exceed 6 months, or both. The court shall consider alternatives to incarceration that are available in the community.

(b) (i) A weapon in violation of this section may be seized and, upon conviction of the person possessing or permitting possession of the weapon, may be forfeited to the state or returned to the lawful owner.

(ii) If a weapon seized under the provisions of this section is subsequently determined to have been stolen or otherwise taken from the owner's possession without permission, the weapon must be returned to the lawful owner.

(5) As used in this section:

(a) “school building” means all buildings owned or leased by a local school district that are used for instruction or for student activities. The term does not include a home school provided for in 20-5-109.

(b) “weapon” means any type of firearm, a knife with a blade 4 or more inches in length, a sword, a straight razor, a throwing star, nun-chucks, or brass or other metal knuckles. The term also includes any other article or instrument possessed with the purpose to commit a criminal offense.”

Section 6. Codification instruction. [Sections 1 through 4] are intended to be codified as an integral part of Title 20, chapter 7, part 13, and the provisions of Title 20, chapter 7, part 13, apply to [sections 1 through 4].

Section 7. Effective date. [This act] is effective July 1, 2021.

Approved May 14, 2021

CHAPTER NO. 542

[HB 576]

AN ACT REPEALING THE MONTANA RENEWABLE POWER PRODUCTION
AND RURAL ECONOMIC DEVELOPMENT ACT; AMENDING SECTIONS

69-5-121, 90-4-1005, AND 90-4-1202, MCA; REPEALING SECTIONS 69-3-2001, 69-3-2002, 69-3-2003, 69-3-2004, 69-3-2005, 69-3-2006, 69-3-2007, AND 69-3-2008, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND A RETROACTIVE APPLICABILITY DATE.

Be it enacted by the Legislature of the State of Montana:

Section 1. Section 69-5-121, MCA, is amended to read:

“69-5-121. Definitions. As used in 69-5-122, 69-5-123, and this section, the following definitions apply:

(1) “Added structure” means any outbuildings, improvements, irrigation pumps, facilities, or other structures located on a small customer’s property.

(2) “Commercial structure” means a building used for commercial purposes.

(3) “Contractor” means a person who submits a proposal to construct or enters into a contract to construct an extension and who is licensed, insured, a member of the national electrical contractors association, and experienced in comparable construction.

(4) “Electric utility” means:

(a) a public utility regulated by the public service commission pursuant to Title 69, chapter 3, that provides electrical service for heat, light, or power to a small customer; or

(b) a utility qualifying as a rural electric cooperative pursuant to Title 35, chapter 18, that provides electrical service for heat, light, or power to a small customer.

(5) “Extension” means any works or improvements necessary to connect a residential, commercial, or added structure of a small customer to an electric utility’s distribution or transmission system.

(6) “Residential structure” means a single-family house, trailer, manufactured home, or mobile home, excluding any outbuildings, improvements, irrigation pumps, facilities, or other structures located on the property.

(7) “Small customer” ~~has the meaning provided in 69-3-2003~~ means a retail customer that has an individual load with an average monthly demand of less than 5,000 kilowatts.”

Section 2. Section 90-4-1005, MCA, is amended to read:

“90-4-1005. Energy development and demonstration grant program. (1) There is an energy development and demonstration grant program within the department of environmental quality to fund technology development and demonstration:

(a) advancing the development and utilization of energy storage systems, including but not limited to mediums, such as accumulators, fuel cells, and batteries, that store energy that may be drawn upon at a later date for use;

(b) developing storage systems specifically designed to store energy generated from eligible renewable resources ~~as defined in 69-3-2003~~, including but not limited to compressed air energy storage systems;

(c) promoting the efficiency, environmental performance, and cost-competitiveness of energy storage systems beyond the current level of technology; and

(d) advancing the development of alternative energy systems as defined in 15-32-102.

(2) Entities that may be eligible for grants include but are not limited to units of the Montana university system, agricultural research centers, or private entities or research centers.

(3) Money appropriated to the department of environmental quality for the purpose of the energy development and demonstration grant program may be used by the department for providing individual grants in amounts up to \$500,000 and for administrative costs of 1% of the grant award.

(4) The grant application may include:

(a) a project plan sufficient to allow a reasonable determination regarding the potential feasibility of advancing energy storage or alternative energy systems;

(b) a business plan to allow a reasonable determination regarding the financial feasibility of the project; and

(c) a reporting process to ensure progress toward project goals.

(5) *For the purposes of this section "eligible renewable resource" means a facility either located in the state or delivering electricity from another state into the state that commences commercial operation after January 1, 2005, or a hydroelectric project expansion referred to in subsection (5)(d)(iii), any of which produces electricity from one or more of the following sources:*

(a) *wind;*

(b) *solar;*

(c) *geothermal;*

(d) *water power, in the case of a hydroelectric project that:*

(i) *does not require a new appropriation, diversion, or impoundment of water and that has a nameplate rating of 10 megawatts or less;*

(ii) *is installed at an existing reservoir or on an existing irrigation system that does not have hydroelectric generation as of April 16, 2009, and has a nameplate capacity of 15 megawatts or less; or*

(iii) *is an expansion of an existing hydroelectric project that commences construction and increases existing generation capacity on or after October 1, 2013;*

(e) *landfill or farm-based methane gas;*

(f) *gas produced during the treatment of wastewater;*

(g) *low-emission, nontoxic biomass based on dedicated energy crops, animal wastes, or solid organic fuels from wood, forest, or field residues, including wood pieces that have been treated with chemical preservatives, such as creosote, pentachlorophenol, or copper-chrome arsenic, and that are used at a facility that has a nameplate capacity of 5 megawatts or less;*

(h) *hydrogen derived from any of the sources in this subsection for use in fuel cells; and*

(i) *the renewable energy fraction from:*

(i) *the sources identified in this subsection (5) of electricity production from a multiple-fuel process with fossil fuels;*

(ii) *flywheel storage as defined in 15-6-157(4)(d);*

(iii) *hydroelectric pumped storage as defined in 15-6-157(4)(e);*

(iv) *batteries; and*

(v) *compressed air derived from any of the sources in this subsection (5) that is forced into an underground storage reservoir and later released, heated, and passed through a turbine generator."*

Section 3. Section 90-4-1202, MCA, is amended to read:

"90-4-1202. Definitions. Unless the context requires otherwise, in this part, the following definitions apply:

(1) ~~"Ancillary services" has the meaning provided in 69-3-2003~~ *means services or tariff provisions related to generation and delivery of electric power other than simple generation, transmission, or distribution. Ancillary services related to transmission services include energy losses, energy imbalances,*

scheduling and dispatching, load following, system protection, spinning reserves and nonspinning reserves, and reactive power.

(2) "Bond" means bond, note, or other obligation.

(3) "Clean renewable energy bonds" means one or more bonds issued by a governmental body pursuant to section 54 of the Internal Revenue Code, 26 U.S.C. 54, and this part.

(4) "Commission" means the public service commission provided for in 69-1-102.

(5) "*Common ownership*" means the same or substantially similar persons or entities that maintain a controlling interest in more than one community renewable energy project even if the ownership shares differ between two community renewable energy projects. Two community renewable energy projects may not be considered to be under common ownership simply because the same entity provided debt or equity, or both debt and equity, to both projects.

(6) "*Community renewable energy project*" means an eligible renewable resource as defined in 90-4-1005 that is interconnected on the utility side of the meter in which local owners have a controlling interest and that is less than or equal to 25 megawatts in total calculated nameplate capacity.

~~(5)~~(7) "Governing authority" means a council, board, or other body governing the affairs of the governmental body.

~~(6)~~(8) "Governmental body" means a city, town, county, school district, consolidated city-county, Indian tribal government, or any other political subdivision of the state, however organized.

~~(7)~~(9) "Intermittent generation resource" means a generator that operates on a limited and irregular basis due to the inconsistent nature of its fuel supply, which is primarily wind or solar power.

~~(8)~~(10) "Internal Revenue Code" has the meaning provided in 15-30-2101.

(11) "*Local owners*" means:

(a) *Montana residents;*

(b) *general partnerships of which all partners are Montana residents;*

(c) *business entities organized under the laws of the state that:*

(i) *have less than \$50 million of gross revenue;*

(ii) *have less than \$100 million of assets; and*

(iii) *have at least 50% of the equity interests, income interests, and voting interests owned by Montana residents;*

(d) *Montana nonprofit organizations;*

(e) *Montana-based tribal councils;*

(f) *Montana political subdivisions or local governments;*

(g) *Montana-based cooperatives other than cooperative utilities; or*

(h) *any combination of the individuals or entities listed in subsections*

(11)(a) through (11)(g).

~~(9)~~(12) "Project" means:

(a) a facility qualifying as a "qualified project" within the meaning of section 54(d)(2) of the Internal Revenue Code, 26 U.S.C. 54(d)(2);

(b) a community renewable energy project as defined in 69-3-2003~~(4)~~~~(a)~~ subsection (6); or

(c) an alternative renewable energy source as defined in 15-6-225.

(13) "*Total calculated nameplate capacity*" means the calculation of total nameplate capacity of the community renewable energy project and other eligible renewable resources that are:

(a) *located within 5 miles of the project;*

(b) *constructed within the same 12-month period; and*

(c) *under common ownership."*

Section 4. Existing projects and contracts – grandfather clause. [This act] does not affect a public utility's continued recovery of costs, or rate base treatment of investment, associated with any existing renewable energy project and may not be construed to alter, amend, diminish, or invalidate rights or duties governed by contract, agreement, or lease entered into prior to [the effective date of this act].

Section 5. Repealer. The following sections of the Montana Code Annotated are repealed:

69-3-2001. Short title.

69-3-2002. Findings.

69-3-2003. Definitions.

69-3-2004. Renewable resource standard -- administrative penalty -- waiver.

69-3-2005. Procurement -- cost recovery -- reporting.

69-3-2006. Commission authority -- rulemaking authority.

69-3-2007. Cost caps.

69-3-2008. Cooperative utility -- exemption -- standard.

Section 6. Notification to tribal governments. The secretary of state shall send a copy of [this act] to each federally recognized tribal government in Montana.

Section 7. Saving clause. [This act] does not affect rights and duties that matured, penalties that were incurred, or proceedings that were begun before [the effective date of this act].

Section 8. Severability. If a part of [this act] is invalid, all valid parts that are severable from the invalid part remain in effect. If a part of [this act] is invalid in one or more of its applications, the part remains in effect in all valid applications that are severable from the invalid applications.

Section 9. Coordination instruction. If both Senate Bill No. 237 and [this act] are passed and approved, then Senate Bill No. 237 is void.

Section 10. Coordination instruction. If both House Bill No. 475 and [this act] are passed and approved, the House Bill No. 475 is void.

Section 11. Effective date. [This act] is effective on passage and approval.

Section 12. Retroactive applicability. [This act] applies retroactively, within the meaning of 1-2-109, to any application pending or commenced before the public service commission prior to [the effective date of this act].

Approved May 14, 2021

CHAPTER NO. 543

[HB 578]

AN ACT REVISING LAWS RELATING TO THE TRANSFER OF DEFENDANTS AFTER SENTENCING; AND AMENDING SECTION 46-19-101, MCA.

Be it enacted by the Legislature of the State of Montana:

Section 1. Section 46-19-101, MCA, is amended to read:

“46-19-101. Commitment of defendant – transfer of information in possession of sheriff – notification to court of delay. (1) Upon oral pronouncement of a sentence imposing punishment of imprisonment, commitment to the department of corrections, placement in a prerelease center, community corrections facility, or other place of confinement, or death, the court shall commit the defendant to the custody of the sheriff, who shall deliver the defendant to the place of confinement, commitment, or execution and give

that place an order, which must be signed by the sentencing judge on the date of oral pronouncement of sentence, stating that the defendant is sentenced to that place for imprisonment, commitment, placement, or execution, as the case may be. The order is authority for that place to hold the defendant pending receipt by that place of a copy of the written judgment.

(2) When a sheriff delivers the defendant to the place of confinement, commitment, or execution, the sheriff shall deliver at the same time all information in the possession of the sheriff regarding the physical and mental health of the defendant, including health information contained in a presentence investigation report.

(3) *If a defendant is sentenced to prison, another place of confinement operated by or under contract with the department of corrections, or committed to the department and the department does not accept delivery of the defendant within 5 days of the oral pronouncement of the sentence, the department shall notify the court in writing of the reason for the delay."*

Approved May 14, 2021

CHAPTER NO. 544

[HB 593]

AN ACT GENERALLY REVISING BARBERING AND COSMETOLOGY LAWS; REVISING MEMBERSHIP OF THE BOARD OF BARBERS AND COSMETOLOGISTS; REVISING THE RULEMAKING AUTHORITY OF THE BOARD OF BARBERS AND COSMETOLOGISTS; REVISING REQUIREMENTS TO HOLD A LICENSE; REVISING REQUIREMENTS FOR SCHOOLS AND TEACHERS; DEFINING TERMS; REVISING CERTAIN QUALIFICATIONS FOR LICENSEES AND TEACHERS; PROVIDING FOR A TRANSITION; PROVIDING RULEMAKING AUTHORITY; AMENDING SECTIONS 2-15-1747, 37-31-101, 37-31-203, 37-31-301, 37-31-302, 37-31-303, 37-31-304, 37-31-305, 37-31-308, 37-31-311, 37-31-312, 37-31-323, AND 37-31-331, MCA; AND PROVIDING A DELAYED EFFECTIVE DATE.

Be it enacted by the Legislature of the State of Montana:

Section 1. Section 2-15-1747, MCA, is amended to read:

"2-15-1747. Board of barbers and cosmetologists. (1) There is a board of barbers and cosmetologists.

(2) The board consists of nine members appointed by the governor with the consent of the senate and must include:

(a) ~~three~~ *two* licensed cosmetologists each of whom has been a resident of this state for at least 5 years and has been actively engaged in the profession of cosmetology for at least 5 years immediately prior to being appointed to the board;

(b) ~~one member~~ *licensed esthetician* who has been a resident of this state for at least 5 years and has been actively engaged ~~as a licensed electrologist, esthetician, or manicurist in the profession of esthetics~~ for at least 5 years immediately prior to being appointed to the board;

(c) ~~three~~ *two* licensed barbers or barbers nonchemical, each of whom has been a resident of this state for at least 5 years and has been actively engaged in the profession of barbering for at least 5 years immediately prior to appointment to the board; ~~and~~

(d) *one licensed manicurist who has been a resident of this state for at least 5 years and has been actively engaged in the profession of manicuring for at least 5 years immediately prior to being appointed to the board;*

(e) *two members, either licensed or not licensed under this chapter, who are affiliated with a school for at least 5 years immediately prior to being appointed to the board; and*

~~(d)(f) two members one member of the public who are is not engaged in the practice of barbering, cosmetology, electrology, esthetics, or manicuring licensed under this chapter.~~

~~(3) Two members of the board must be affiliated with a school.~~

~~(4)(a) If there is not a licensed barber, or a barber nonchemical, esthetician, or manicurist who is qualified and willing to serve on the board in one of the three positions under subsection (2)(c) subsections (2)(b), (2)(c), and (2)(d), the governor may appoint a cosmetologist, electrologist, esthetician, or manicurist otherwise qualified under this section to fill the position.~~

~~(b) If there is not a licensed cosmetologist qualified and willing to serve on the board in one of the three positions under subsection (2)(a), the governor may appoint a barber, barber nonchemical, electrologist, esthetician, or manicurist otherwise qualified under this section to fill the position.~~

~~(5)(4) Each member shall serve for a term of up to 5 years. The terms must be staggered.~~

~~(6)(5) The board is allocated to the department for administrative purposes only as prescribed in 2-15-121."~~

Section 2. Section 37-31-101, MCA, is amended to read:

"37-31-101. Definitions. Unless the context requires otherwise, in this chapter, the following definitions apply:

(1) *"Affiliated" is an individual who owns more than 20% of or is employed 32 hours or more weekly at a school licensed under this chapter.*

(2) *"Barber" means a person licensed under this chapter to engage in the practice of barbering.*

(3) *"Barbering" means any of the following practices performed for payment, either directly or indirectly, on the human body for tonsorial purposes and not performed for the treatment of disease or physical or mental ailments:*

(a) *shaving or trimming a beard;*

(b) *cutting, styling, coloring, or waving hair;*

(c) *straightening hair by the use of chemicals;*

(d) *giving facial or scalp massages, including treatment with oils, creams, lotions, or other preparations applied by hand or mechanical appliance;*

(e) *shampooing hair, applying hair tonic, or bleaching or highlighting hair; or*

(f) *applying cosmetic preparations, antiseptics, powders, oils, lotions, or gels to the scalp, face, hands, or neck.*

(4) *"Barber nonchemical" means a person licensed under this chapter to engage in the practice of nonchemical barbering.*

(5) *"Barbering nonchemical" means the practice or teaching of barbering as provided in subsection (3) but excludes the use of chemicals to wave, straighten, color, bleach, or highlight hair.*

~~(1)(6) "Board" means the board of barbers and cosmetologists provided for in 2-15-1747.~~

~~(2)(7) "Booth" means any part of a salon or shop that is rented or leased for the performance of barbering, barbering nonchemical, cosmetology, electrology, esthetics, or manicuring services, as specified provided for in 39-51-204.~~

(8) *"Cosmetologist" means a person licensed under this chapter to engage in the practice of cosmetology.*

(9) (a) *“Cosmetology” means work included in the terms “hairdressing”, “manicuring”, “esthetics”, and “beauty culture” when the work is done for the embellishment, cleanliness, and beautification of the hair and body.*

(b) *The term may not be construed to include itinerant cosmetologists who perform their services without compensation for demonstration purposes in any regularly established store or place of business holding a license from the state as a store or place of business.*

(3)(10) *“Department” means the department of labor and industry provided for in Title 2, chapter 15, part 17.*

(4)(11) *“Electrologist” means a person licensed under this chapter to engage in the practice of electrology.*

(12) (a) *“Electrology” means the study of and the professional practice of permanently removing superfluous hair by destroying the hair roots through passage of an electric current with an electrified needle. Electrology includes electrolysis and thermolysis. Electrology may include the use of waxes for epilation and the use of chemical depilatories.*

(b) *Electrology The term does not include pilethermology, which is the study and professional practice of removing superfluous hair by passage of radio frequency energy with electronic tweezers and similar devices.*

(5)(13) *“Esthetician” means a person licensed under this chapter to engage in the practice of esthetics.*

(6)(14) *“Esthetics” means skin care of the body, including but not limited to hot compresses or the use of safety-approved electrical appliances or chemical compounds formulated for professional application only and the temporary removal of superfluous hair by means of lotions, creams, or mechanical or electrical apparatus or appliances on another person.*

(15) *“Instructor” or “teacher” means a person licensed under 37-31-303.*

(7)(16) *“Manicuring” includes care of the nails, the hands, the lower arms, the feet, and the lower legs and the application and maintenance of artificial nails.*

(17) *“Manicurist” means a person licensed under this chapter to engage in the practice of manicuring.*

(8)(18) *“Place of residence” means a home and the following residences defined under 50-5-101:*

- (a) an assisted living facility;
- (b) an intermediate care facility for the developmentally disabled;
- (c) a hospice;
- (d) a critical access hospital;
- (e) a long-term care facility; or
- (f) a residential treatment facility.

(9) *“Practice or teaching of barbering” means any of the following practices performed for payment, either directly or indirectly, upon the human body for tonsorial purposes and not performed for the treatment of disease or physical or mental ailments:*

- (a) ~~shaving or trimming a beard;~~
- (b) ~~cutting, styling, coloring, or waving hair;~~
- (c) ~~straightening hair by the use of chemicals;~~
- (d) ~~giving facial or scalp massages, including treatment with oils, creams, lotions, or other preparations applied by hand or mechanical appliance;~~
- (e) ~~shampooing hair, applying hair tonic, or bleaching or highlighting hair; or~~
- (f) ~~applying cosmetic preparations, antiseptics, powders, oils, lotions, or gels to the scalp, face, hands, or neck.~~

(10) ~~“Practice or teaching of barbering nonchemical” means the practice or teaching of barbering as provided in subsection (9) but excludes the use of chemicals to wave, straighten, color, bleach, or highlight hair.~~

(11) (a) ~~“Practice or teaching of cosmetology” means work included in the terms “hairdressing”, “manicuring”, “esthetics”, and “beauty culture” and performed in salons or shops, in booths, or by itinerant cosmetologists when the work is done for the embellishment, cleanliness, and beautification of the hair and body.~~

(b) ~~The practice and teaching of cosmetology may not be construed to include itinerant cosmetologists who perform their services without compensation for demonstration purposes in any regularly established store or place of business holding a license from the state of Montana as a store or place of business.~~

(12)(19) (a) ~~“Salon or shop” means the physical location in which a person licensed under this chapter practices barbering, or barbering nonchemical, cosmetology, electrology, esthetics, or manicuring.~~

(b) ~~The term does not include a room provided in a place of residence that is used for the purposes of barbering, or barbering nonchemical, cosmetology, electrology, esthetics, or manicuring unless the owner, manager, or operator allows the room to be used for the practice of barbering, or barbering nonchemical, or the practice of cosmetology, electrology, esthetics, or manicuring to serve nonresidents for compensation, in which case the room must be licensed as a salon or a shop.~~

(13)(20) ~~“School” means a program and location approved by the board with respect to its course of instruction for training persons for licensure in barbering, barbering nonchemical, cosmetology, electrology, esthetics, or manicuring and that meets any other criteria established by the board as provided for in 37-31-311.~~

(21) ~~“Student teacher” means an individual enrolled in a teacher training course as provided for under 37-31-301(1)(d).~~

(22) ~~“Teacher” means a person licensed under 37-31-305.~~

(23) ~~“Teacher training” means a 650-hour course prescribed by the board by rule under this chapter.”~~

Section 3. Section 37-31-203, MCA, is amended to read:

“37-31-203. Rulemaking powers. The board shall, *prescribe by notice, hearing, and submission of views, adopt* rules for:

- (1) the conduct of board business;
- (2) the qualification and licensure of applicants to practice ~~barbering, barbering nonchemical, cosmetology, electrology, esthetics, or manicuring or to teach barbering, barbering nonchemical, cosmetology, electrology, esthetics, or manicuring or teach under this chapter;~~
- (3) the regulation and instruction of ~~apprentices and~~ students;
- (4) the conduct of schools of ~~barbering, barbering nonchemical, cosmetology, electrology, esthetics, and manicuring for apprentices and~~ students;
- (5) the qualification and licensure of applicants for booth rental licenses; and
- (6) generally the conduct of the persons, firms, or corporations affected by this chapter.”

Section 4. Section 37-31-301, MCA, is amended to read:

“37-31-301. Prohibited acts. (1) Without an appropriate license issued under this chapter, it is unlawful to:

- (a) to practice barbering, barbering nonchemical, cosmetology, electrology, esthetics, or manicuring for compensation;

(b) ~~own, manage, operate, or conduct a school of barbering, barbering nonchemical, cosmetology, electrology, esthetics, or manicuring for an unlicensed student to provide services as a barber, a barber nonchemical, a cosmetologist, an electrologist, an esthetician, or a manicurist other than in a licensed school;~~

(c) ~~manage or operate a salon or shop or a booth; or to own, manage, or operate a salon, shop, booth, or school without a license, or~~

(d) ~~to teach in a school of barbering, barbering nonchemical, cosmetology, electrology, esthetics, or manicuring other than as a student enrolled in a teacher training course.~~

(2) It is unlawful:

(a) ~~for a person who owns, manages, or controls a salon or shop to employ or use an unlicensed person as a barber, a barber nonchemical, a cosmetologist, an electrologist, an esthetician, or a manicurist;~~

(b) ~~to employ or use an unlicensed person as a barber, a barber nonchemical, a cosmetologist, an electrologist, an esthetician, or a manicurist;~~

(b) ~~to operate a school of for a teacher or student teacher to practice barbering, barbering nonchemical, cosmetology, electrology, esthetics, or manicuring without complying with all of the regulations of 37-31-311 on the public in a school;~~

(c) ~~for student teachers to substitute for full-time teachers;~~

(d) ~~to operate a salon, shop, or booth in connection with a school;~~

(e) ~~to practice barbering, barbering nonchemical, cosmetology, electrology, esthetics, or manicuring in any place other than in outside a licensed salon or shop as provided in this chapter, except when a licensee is requested:~~

(i) ~~by a customer to go to a place other than a licensed salon or shop and is sent to the customer from a licensed salon or shop; or~~

(ii) ~~by a customer with a disability or homebound customer to go to the customer's place of residence; or~~

(d)(f) ~~to violate any of the provisions of this chapter."~~

Section 5. Section 37-31-302, MCA, is amended to read:

"37-31-302. License required to practice, teach, or operate salon, or shop, booth, or school. (1) A person may not practice or teach barbering, barbering nonchemical, cosmetology, electrology, esthetics, or manicuring ~~without~~ *with a license as provided for in 37-31-304.*

(2) ~~A place may not be used or maintained for the teaching of A person may teach~~ barbering, barbering nonchemical, cosmetology, electrology, esthetics, or manicuring ~~for compensation unless licensed as a school with a license as provided for in 37-31-311.~~

(3) *A place may be used to teach barbering, barbering nonchemical, cosmetology, electrology, esthetics, or manicuring for compensation with a license as provided for in 37-31-311.*

(3)(4) ~~A person may not operate or manage a salon or shop, without a license or a temporary operating permit or a temporary operating permit as provided in 37-31-312.~~

(4) ~~A person may not operate or conduct a school of barbering, barbering nonchemical, cosmetology, electrology, esthetics, or manicuring or teach barbering, barbering nonchemical, cosmetology, electrology, esthetics, or manicuring without a license to teach barbering, barbering nonchemical, cosmetology, electrology, esthetics, or manicuring.~~

(5) ~~A person may not manage or operate a booth without a booth rental without a booth rental license.~~

(6) A person, firm, partnership, corporation, or other legal entity desiring to operate a salon, ~~or shop, or booth~~ shall apply to the department for a license. The application must be accompanied by the license fee.

(7) A license may ~~not~~ be issued ~~until~~ *when* the inspection fees required in 37-31-312 have been paid.”

Section 6. Section 37-31-303, MCA, is amended to read:

“37-31-303. Application for license to practice or teach. An applicant for a license to practice or teach ~~barbering, barbering nonchemical, cosmetology, electrology, esthetics, or manicuring~~ *under this chapter* shall file an application provided by the department and pass the examination prescribed by the board *by rule* to qualify for licensure.”

Section 7. Section 37-31-304, MCA, is amended to read:

“37-31-304. Qualifications of applicants for license to practice.

(1) ~~Before a person may practice:~~

(a) ~~barbering, the person shall obtain a license to practice barbering from the department;~~

(b) ~~barbering nonchemical, the person shall obtain a license to practice barbering nonchemical from the department;~~

(c) ~~cosmetology, the person shall obtain a license to practice cosmetology from the department;~~

(d) ~~electrology, the person shall obtain a license to practice electrology from the department;~~

(e) ~~manicuring, the person shall obtain a license to practice manicuring from the department unless the person is licensed to practice cosmetology; or~~

(f) ~~esthetics, the person shall obtain a license to practice esthetics from the department unless the person is already licensed to practice cosmetology.~~

(2) ~~—(a) (i)(1) (a) To be eligible to take the licensing examination to practice barbering or barbering nonchemical under this chapter, the applicant must be at least 18 years of age, must be of good moral character, and must possess a high school diploma or its equivalent that is recognized by the superintendent of public instruction. An applicant may apply to the board for an exception to the requirement of a high school diploma or its equivalent. The board shall adopt by rule procedures for granting an exception.~~

~~(b) A person qualified under this section shall file an application with the department, deposit the application fee with the department, and pass an examination as to fitness to practice.~~

~~(c) The board shall issue a license to practice under this chapter, without examination, to a person licensed in another state if the board determines that:~~

~~(i) the other state's course of study hour requirement is equal to or greater than the hour requirement in this state; and~~

~~(ii) the person's license from the other state is current, and the person is not subject to pending or final disciplinary action for unprofessional conduct or impairment.~~

~~(ii)(2) An applicant to practice barbering must have completed a course of study of at least 1,100 hours in a licensed barbering school and must have received a diploma from the a barbering school or must have completed the course of study in barbering at a school of cosmetology authorized to offer a course of study in barbering as prescribed by the board by rule.~~

~~(iii)(3) An applicant to practice barbering nonchemical must have completed a course of study of at least 900 hours in a licensed barbering or barbering nonchemical school, not including hours applicable to the use of chemicals to wave, straighten, color, bleach, or highlight hair; and must have received a diploma from the a barbering or barbering nonchemical school or must have completed the course of study in barbering or barbering nonchemical~~

at a school of cosmetology authorized to offer a course of study in barbering or barbering nonchemical as prescribed by the board by rule.

~~(b) A person qualified under subsection (2)(a) shall file an application and deposit the application fee with the department and pass an examination as to fitness to practice barbering or barbering nonchemical.~~

~~(c) The board shall issue a license to practice barbering or barbering nonchemical, without examination, to a person licensed in another state if the board determines that:~~

~~(i) the other state's course of study hour requirement is equal to or greater than the hour requirement in this state; and~~

~~(ii) the person's license from the other state is current and the person is not subject to pending or final disciplinary action for unprofessional conduct or impairment.~~

~~(3) (a) To be eligible to take the examination~~

~~(4) An applicant to practice cosmetology, the applicant must be at least 18 years of age, must be of good moral character, and must possess a high school diploma or its equivalent that is recognized by the superintendent of public instruction. A person may apply to the board for an exception to the educational requirement of a high school diploma or its equivalent. The board shall adopt by rule procedures for granting an exception. The applicant must have completed a course of study of at least 1,500 hours in a licensed cosmetology school and must have received a diploma from the a cosmetology school or must have completed the authorized to offer a course of study in cosmetology as prescribed by the board by rule.~~

~~(b) A person qualified under subsection (3)(a) shall file an application and deposit the required application fee with the department and pass an examination as to fitness to practice cosmetology.~~

~~(4) (a) To be eligible to take the examination to practice electrology, the applicant must be at least 18 years of age, must be of good moral character, and must possess a high school diploma or its equivalent that is recognized by the superintendent of public instruction. An applicant may apply to the board for an exception to the requirement of a high school diploma or its equivalent. The board shall adopt by rule procedures for granting an exception. The applicant must have completed a course of education, training, and experience in the field of electrology as prescribed by the board by rule.~~

~~(b) A person qualified under subsection (4)(a) shall file an application and deposit the required application fee with the department and pass an examination as to fitness to practice electrology.~~

~~(5) (a) To be eligible to take the examination to practice manicuring, an applicant must be at least 18 years of age, must be of good moral character, and must possess a high school diploma or its equivalent that is recognized by the superintendent of public instruction. The applicant must have completed a course of study prescribed by the board in a licensed school of cosmetology or a licensed school of manicuring. A person may apply to the board for an exception to the educational requirement of a high school diploma or its equivalent or a certificate of completion from a vocational-technical program. The board shall adopt by rule procedures for granting an exception.~~

~~(b) A person qualified under subsection (5)(a) shall file an application and deposit the required application fee with the department and pass an examination as to fitness to practice manicuring.~~

~~(6) (a) To be eligible to take the examination to practice esthetics, an applicant must be at least 18 years of age, must be of good moral character, and must possess a high school diploma or its equivalent that is recognized by the superintendent of public instruction. The applicant must have completed~~

a course of study prescribed by the board and consisting of not less than 650 hours of training and instruction in a licensed school of cosmetology or a licensed school of esthetics. A person may apply to the board for an exception to the educational requirement of a high school diploma or its equivalent. The board shall adopt by rule procedures for granting an exception.

~~(b) A person qualified under subsection (6)(a) shall file an application and deposit the required application fee with the department and pass an examination as to fitness to practice esthetics.~~

(5) An applicant to practice electrology must have completed a course of study of at least 600 hours and received a diploma from a school authorized to offer a course of study in electrology as prescribed by the board by rule.

(6) An applicant to practice manicuring must have completed a course of study of at least 400 hours and received a diploma from a school authorized to offer a course of study in manicuring as prescribed by the board by rule.

(7) An applicant to practice esthetics must:

(a) have completed a course of study of at least 650 hours of training and received a diploma from a school authorized to offer a course of study in esthetics as prescribed by the board by rule; or

(b) be a licensed cosmetologist and file an application, deposit the application fee with the department, and pass the esthetics examination as to fitness to practice."

Section 8. Section 37-31-305, MCA, is amended to read:

"37-31-305. Qualifications of applicants for license to teach.

(1) Before a person may teach or instruct in a school of barbering, barbering nonchemical, cosmetology, electrology, esthetics, or manicuring, the person shall obtain from the department a license to teach:

(2) To be eligible for a license to teach barbering, barbering nonchemical, cosmetology, electrology, esthetics, or manicuring, a person must:

(a) be a graduate of high school or possess an equivalent of a high school diploma that is recognized by the superintendent of public instruction;

(b)(1) An applicant for a license to teach under this chapter:

(a) must have a license to practice issued by the department in the particular area of practice or scope of practice, in which the person plans to teach;

(c)(b) must have been actively engaged in that particular area of practice for 12 continuous months before taking the teacher's examination; and

(d)(c) (i) must have:

(i) completed teacher training and received a diploma from a licensed school approved authorized to offer a course of study in teacher training as prescribed by the board, certifying satisfactory completion of 650 hours of student teacher training by rule; or

(ii) have 3 years of experience in that particular area of practice. A person who qualifies for a license under this subsection (2)(d)(ii) (1)(c)(ii) has 2 years to complete board-approved coursework related to teaching methodology before a license to teach is renewed.

(d) except as provided in subsection (2), must have passed the examination prescribed by the board by rule to qualify for licensure; and

(e) shall file an application provided by the board.

(2) The board shall issue a license to teach under this chapter, without examination, to a person licensed in another state if the board determines that:

(a) the other state's course of study hour requirement is equal to or greater than the hour requirement in this state; and

(b) *the person's license from the other state is current and the person is not subject to pending or final disciplinary action for unprofessional conduct or impairment.*"

Section 9. Section 37-31-308, MCA, is amended to read:

"37-31-308. Exemption for persons with disabilities. A person with a physical disability who is trained for ~~barbering, barbering nonchemical, cosmetology, electrology, esthetics, or manicuring to practice under this chapter~~ by the department of public health and human services is, for a period of 1 year immediately following graduation, exempt from the examination and the fees described in 37-31-323. On certification from the department of public health and human services that a department of public health and human services beneficiary has successfully completed the required training in a school of ~~barbering, barbering nonchemical, cosmetology, electrology, esthetics, or manicuring~~, the department shall issue the person the necessary license to practice the profession in this state."

Section 10. Section 37-31-311, MCA, is amended to read:

"37-31-311. Schools – license – requirements – bond – curriculum.

(1) A person, firm, partnership, corporation, or other legal entity may not operate a school for the purpose of teaching ~~barbering, barbering nonchemical, cosmetology, electrology, esthetics, or manicuring~~ for compensation unless *with a licensed license issued by the department*. Application for the license must be filed with the department on an ~~approved~~ *a form approved by the board by rule*.

(2) A school for ~~teaching barbering or barbering nonchemical~~ may not be granted a license unless the school complies with or is able to comply with the following requirements:

(a) It has in its employ either a ~~licensed~~ *at least one* teacher ~~who is at all times involved in the immediate supervision of the work of the school or other teachers determined by the board to be necessary for the proper conduct of the school. There may.~~

(b) *It does not be have* more than 25 students for each teacher.

(c) *The school's course of training and technical instruction comply with rules prescribed by the board.*

~~(b)(d)~~ It possesses apparatus and equipment ~~the board determines necessary for the teaching of all subjects or practices of barbering or barbering nonchemical consistent with industry standards.~~

(e) *It keeps a daily record of the attendance of each student, establishes grades, and holds examinations before issuing a diploma.*

(f) *It does not permit a person to sleep in, or use for residential purposes or for any other purpose, a room, wholly or in part, that could make the school unsanitary.*

~~(c)(3)~~ *It A school for teaching barbering may not be granted a license unless the school maintains a school term of not less than 1,100 hours for barbering and a course of practical training and technical instruction equal to the requirements for board examinations.*

(4) *A school for teaching barbering nonchemical may not be granted a license unless the school maintains a school term of and not less than 900 hours for barbering nonchemical and a course of practical training and technical instruction equal to the requirements for board examinations. The school's course of training and technical instruction must be prescribed by the board by rule.*

~~(d)~~ *It keeps a daily record of the attendance of each student, establishes grades, and holds examinations before issuing diplomas.*

(e) ~~It does not permit a person to sleep in or use for residential purposes or for any other purpose that would make the room unsanitary a room used wholly or in part for a school of barbering or barbering nonchemical.~~

(3)(5) A school for teaching cosmetology may not be granted a license unless the school complies with or is able to comply with the following requirements:

(a) ~~It has in its employ either a licensed teacher who is at all times involved in the immediate supervision of the work of the school or other teachers determined by the board to be necessary for the proper conduct of the school. There may not be more than 25 students for each teacher.~~

(b) ~~It possesses apparatus and equipment the board determines necessary for the teaching of all subjects or practices of cosmetology.~~

(c) ~~It maintains a school term of not less than 1,500 hours and a course of practical training and technical instruction equal to the requirements for board examinations. The school's course of training and technical instruction must be prescribed by the board by rule.~~

(d) ~~It keeps a daily record of the attendance of each student, establishes grades, and holds examinations before issuing diplomas.~~

(e) ~~It does not permit a person to sleep in or use for residential purposes or for any other purpose that would make the room unsanitary a room used wholly or in part for a school of cosmetology.~~

(4)(6) A school for teaching electrology may not be granted a license unless the school maintains a school term *of not less than 600 hours* and a course of practical training and technical instruction *prescribed by the equal to the requirements for board, and possesses apparatus and equipment necessary for teaching electrology as prescribed by the board by rule examinations.*

(5)(7) A school for teaching manicuring may not be granted a license unless the school complies with subsections (3)(a) and (3)(d) and the following requirements:

(a) ~~It possesses apparatus and equipment the board determines necessary for the teaching of all subjects or practices of manicuring.~~

(b) ~~It maintains a school term and a course of practical training and technical instruction as prescribed by the board by rule.~~

(c) ~~It does not of not less than 400 hours and a course of practical training and technical instruction equal to permit a person to sleep in or use for residential purposes or for any other purpose that would make the room unsanitary a room used wholly or in part for a school of manicuring the requirements for board examinations.~~

(6)(8) A school for teaching esthetics may not be granted a license unless the school complies with subsections (3)(a) and (3)(d) and the following requirements:

(a) ~~It possesses apparatus and equipment the board determines necessary for the ready and full teaching of all subjects or practices of esthetics.~~

(b) ~~It maintains a school term and a course consisting of not less than 650 hours and a course of practical training and technical instruction as prescribed by the board equal to the requirements for board examinations.~~

(c) ~~It does not permit a person to sleep in or use for residential purposes or for any other purpose that would make the room unsanitary a room used wholly or in part for a school of esthetics.~~

(9) *A school for teaching teachers may not be granted a license unless the school maintains a school term of not less than 650 hours and a course of practical training and technical instruction equal to the requirements for board examinations.*

(7)(10) Licenses for schools of ~~barbering, barbering nonchemical, cosmetology, electrology, esthetics, or manicuring~~ may be refused, revoked, or suspended as provided in 37-31-331.

(8) ~~A teacher or student teacher may not be permitted to practice barbering, barbering nonchemical, cosmetology, electrology, esthetics, or manicuring on the public in a school of barbering, barbering nonchemical, cosmetology, electrology, esthetics, or manicuring. A school that enrolls student teachers for a course of student teacher training may not have, at any one time, more than one student teacher for each full-time licensed teacher actively engaged at the school. The student teachers may not substitute for full-time teachers.~~

(9) ~~The board may make further rules necessary for the proper conduct of schools of barbering, barbering nonchemical, cosmetology, electrology, esthetics, and manicuring.~~

(10)(11) The board shall require the person, firm, partnership, corporation, or other legal entity operating a school of ~~barbering, barbering nonchemical, cosmetology, electrology, esthetics, or manicuring~~ to furnish a bond or other *similar* security in the amount of \$5,000 and in a form and manner prescribed by the board by rule.

(11) ~~A professional salon or shop may not be operated in connection with a school of barbering, barbering nonchemical, cosmetology, electrology, esthetics, or manicuring.~~

(12) ~~The board may, by rule, establish a suitable curriculum for teachers' training in licensed schools of barbering, barbering nonchemical, cosmetology, electrology, esthetics, or manicuring."~~

Section 11. Section 37-31-312, MCA, is amended to read:

"37-31-312. Inspection – temporary permits. (1) The department shall appoint one or more inspectors, each of whom shall devote time to inspecting salons *or* shops, and performing other duties as the department, in cooperation with the board, may direct. The inspectors may enter a salon *or* shop, booth, *or* school of barbering, school of barbering nonchemical, school of cosmetology, school of electrology, school of esthetics, *or* school of manicuring during business hours for the purpose of inspection, ~~and the~~. The refusal of a licensee *or* school *or* school to permit the inspection during business hours is cause for *license* revocation of a licensee's *or* school's license.

(2) When an owner or operator applies for a shop *or* salon license and pays licensure and inspection fees prescribed by the board, the board:

(a) may authorize the department to grant to a new salon *or* shop a temporary operating permit; *or*

(b) shall, in order to avoid a disruption of business, authorize the department to grant a temporary operating permit to an existing shop *or* salon whose owner or operator is currently in good standing with the board, as defined by the board *by rule*, and who is relocating to a new location. An owner or operator of an existing shop *or* salon may not receive a temporary operating permit under this section within 90 days of a license renewal date.

(3) A temporary operating permit granted pursuant to subsection (2) authorizes the salon, *or* shop to operate until an inspection is conducted of the salon *or* shop and the salon *or* shop owner ~~or manager~~ *or manager* has had 30 days to respond in writing to all inspection report violations to the board office. A license will not be granted to a salon *or* shop if the board does not receive a response within 30 days from the date of the inspection or the response received does not indicate that all of the inspection violations have been corrected, in which case a new license application must be filed. A temporary permit is not renewable.

(4) The department shall require an inspector appointed under subsection (1) to conduct an annual inspection of each salon *or* shop in the state.”

Section 12. Section 37-31-323, MCA, is amended to read:

“37-31-323. Fees. (1) Fees for licenses must be paid to the department in amounts prescribed by the board by rule.

(2) The license fees must be paid in advance to the department unless otherwise ~~provided prescribed by the board by board~~ rule.

(3) Other or additional license fees may not be imposed by a municipal corporation or other political subdivision of this state ~~for the practice or teaching of barbering, barbering nonchemical, cosmetology, electrology, esthetics, or manicuring to practice under this chapter.”~~

Section 13. Section 37-31-331, MCA, is amended to read:

“37-31-331. Refusal, revocation, or suspension of licenses – grounds – notice and hearing. (1) The board may refuse to issue, may refuse to renew, or may revoke or suspend a license in any one of the following cases:

(a) failure of a person, firm, partnership, corporation, or other legal entity operating a salon, *or* shop, *booth*, *or* a school ~~of barbering, barbering nonchemical, cosmetology, electrology, esthetics, or manicuring~~ to comply with this chapter;

(b) failure to comply with the sanitary rules ~~adopted prescribed~~ by the board *by rule* and approved by the department of public health and human services for the regulation of salons, *or* shops, *booths*, *or* schools ~~of barbering, barbering nonchemical, cosmetology, electrology, esthetics, or manicuring~~;

(c) gross malpractice;

(d) continued practice by a person who knowingly has an infectious or contagious disease;

(e) habitual drunkenness or habitual addiction to the use of any habit-forming drug;

(f) permitting a license to be used when the holder is not personally, actively, and continuously engaged in business; *or*

(g) failure to display the license.

(2) The board may not refuse to authorize the department to issue or renew a license or to revoke or suspend a license already issued until after notice and opportunity for a hearing.”

Section 14. Transition – application. Within 60 days after [the effective date of this section], the board membership must reflect [section 1]. All terms of all board members appointed under the previous composition of the board terminate 60 days following [the effective date of this section], and all appointments made and vacancies filled after [the effective date of this section] must be in accordance with [section 1]. The appointments must consist of 2, 3, 4, or 5-year terms at the governor’s discretion, so the initial terms of the newly composed board members are staggered in accordance with [section 1].

Section 15. Saving clause. [This act] does not affect rights and duties that matured, penalties that were incurred, or proceedings that were begun before [the effective date of this act].

Section 16. Severability. If a part of [this act] is invalid, all valid parts that are severable from the invalid part remain in effect. If a part of [this act] is invalid in one or more of its applications, the part remains in effect in all valid applications that are severable from the invalid applications.

Section 17. Effective date. [This act] is effective January 1, 2022.

Approved May 14, 2021

CHAPTER NO. 545

[HB 599]

AN ACT GENERALLY REVISING OPENCUT MINING LAWS; PROVIDING LESS STRINGENT APPLICATIONS FOR CERTAIN OPENCUT OPERATIONS; DEFINING OCCUPIED DWELLING UNIT; PROVIDING EXEMPTIONS; AMENDING SECTIONS 76-2-209, 82-4-403, 82-4-431, 82-4-432, 82-4-434, AND 82-4-439, MCA; REPEALING SECTION 82-4-440, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND A RETROACTIVE APPLICABILITY DATE.

Be it enacted by the Legislature of the State of Montana:

Section 1. Section 76-2-209, MCA, is amended to read:

“76-2-209. Effect on natural resources. (1) Except as provided in 82-4-431, 82-4-432, and subsection (2) of this section, a resolution or rule adopted pursuant to the provisions of this part, except 76-2-206, may not prevent the complete use, development, or recovery of any mineral, forest, or agricultural resources by the owner of any mineral, forest, or agricultural resource.

(2) The complete use, development, or recovery of a mineral by an operation that mines sand and gravel or an operation that mixes concrete or batches asphalt may be reasonably conditioned or prohibited on a site that is located within a geographic area zoned as residential, as defined by the board of county commissioners *and in effect prior to the filing of a permit application or at the time a written request is received for a preapplication meeting pursuant to 82-4-432.*

(3) Zoning regulations adopted under this chapter *and in effect prior to the filing of a permit application or at the time a written request is received for a preapplication meeting pursuant to 82-4-432* may reasonably condition, but not prohibit, the complete use, development, or recovery of a mineral by an operation that mines sand and gravel and may condition an operation that mixes concrete or batches asphalt in all zones other than residential.”

Section 2. Section 82-4-403, MCA, is amended to read:

“82-4-403. Definitions. When used in this part, unless a different meaning clearly appears from the context, the following definitions apply:

(1) “Affected land” means the area of land and land covered by water that is disturbed by opencut operations. A private road may be included as affected land only with the landowner’s consent.

(2) “Amendment” means a change to the approved permit.

(3) “Board” means the board of environmental review provided for in 2-15-3502.

(4) “Department” means the department of environmental quality provided for in 2-15-3501.

(5) “Landowner” means the holder of legal title to land subjected to an opencut operation.

(6) “Materials” means bentonite, clay, scoria, peat, sand, soil, gravel, or mixtures of those substances.

(7) “Occupied dwelling unit” means a structure with permanent water and sewer facilities that is used as a home, residence, or sleeping place by at least one person who maintains a household that is lived in as a primary residence.

~~(7)~~(8) “Opencut operation” means activities conducted for the primary purpose of sale or utilization of materials, including:

(a) mine site preparation;

(b) (i) removing the overburden and mining directly from the exposed natural deposits; or

(ii) mining directly from natural deposits of materials;

(c) processing of materials mined from the natural deposits, except that processing facilities located more than 300 feet from where materials were mined or are permitted to be mined are not part of the opencut operation;

(d) transporting, depositing, staging, and stockpiling of overburden and materials unless the activity occurs more than 300 feet from where the materials were mined or are permitted to be mined;

(e) storing or stockpiling of materials at processing facilities that are part of the opencut operation;

(f) reclamation of affected land; and

(g) parking or staging of vehicles, equipment, or supplies unless:

(i) the activity is separated from other opencut operations by at least 25 feet and is connected to the opencut operation by a single road that is no more than 25 feet wide; or

(ii) the activity is inside the construction disturbance area shown on a construction project plan.

(8)(9) "Operator" means a person who holds a permit issued pursuant to this part. For purposes of enforcing the provisions of this part, the term also includes any person conducting opencut operations on affected land that is not covered by a permit.

(9)(10) "Overburden" means the earth that lies above a natural deposit of materials.

(10)(11) "Person" means:

(a) a natural person;

(b) a firm, association, partnership, cooperative, or corporation;

(c) a department, agency, or instrumentality of the state or any governmental subdivision; or

(d) any other entity.

(11)(12) "Plan of operation" means a plan that:

(a) meets the requirements of 82-4-434; and

(b) contains a description of current land use, topographical data, hydrologic data, soils data, proposed mine areas, proposed mining and processing operations, proposed reclamation, and appropriate maps.

(12)(13) "Processing facilities" means:

(a) crushers, screens, and pug mills;

(b) asphalt, wash, and concrete plants;

(c) treatment, sedimentation, or retention areas for processing facilities; and

(d) areas receiving washout from vehicles and equipment using the processing facilities.

(13)(14) "Reclamation" means the reconditioning of affected land to make the area suitable for productive use, including but not limited to forestry, agriculture, grazing, wildlife, recreation, or residential or industrial development.

(14)(15) "Soil" means the dark or root-bearing surface matter that has been generated through time by the interaction of biological activity, climate, topography, and parent material and that is capable of sustaining plant growth and is recognized and identified as such by standard authorities and methods.

(16) "Water conveyance facilities" means existing diversions, aqueducts, canals, ditches, drains, flumes, headgates, syphons, or other structures or infrastructure actively used to facilitate the beneficial use of a water right under Title 85."

Section 3. Section 82-4-431, MCA, is amended to read:

"82-4-431. Permit for mining, processing, and reclamation required. (1) Except as provided in ~~82-4-440 subsections (2) and (3)~~, a permit is required for an operator who:

(a) conducts an opencut operation that results in the removal of more than 10,000 cubic yards of materials and overburden; or

(b) conducts ~~more than one~~ an opencut operation where ~~each of the operations results in the removal of less than 10,000 cubic yards of materials and overburden but the operations result in the removal of 10,000 cubic yards or more of materials and overburden in the aggregate are removed from the site and:~~

(i) affects surface water, including intermittent or perennial streams, ground water, or water conveyance facilities; or

(ii) has never held a permit pursuant to this part; or

(c) ~~removes materials or overburden at a previously mined site where the removal, combined with the amount of previously mined materials and overburden, exceeds 10,000 cubic yards.~~

(2) ~~(a) Except as provided in or conditioned under subsections (5) and (6), an~~ An operator who holds a permit under this part may conduct a limited opencut operation without first securing an additional permit or an amendment to an existing permit if the limited opencut operation meets the following criteria:

(a)(i) the area to be disturbed by the limited opencut operation is located more than ~~± one-half~~ mile from the operator's nearest existing limited opencut operation;

(b)(ii) the total amount of materials and overburden removed does not exceed 10,000 cubic yards and the total area from which the materials and overburden are removed does not exceed 5 acres; and

(c)(iii) the operator:

(i)(A) submits appropriate site and opencut operation information on a limited opencut operation form provided by the department; and

(ii)(B) within 1 year of the department's receipt of the limited opencut operation form, salvages all soil from the area to be disturbed, removes the materials, grades the affected land to 3:1 or flatter slopes, blends the graded land into the surrounding topography, replaces an appropriate amount of overburden and all soil, and reclaims to conditions present prior to mining all access roads used for the operation unless the landowner requests in writing that specific roads or portions of the roads remain open. Roads left open at the landowner's request must be sized to support the use of the road after opencut operations.

(iii)(C) at the first seasonal opportunity, seeds or plants all affected land with vegetative species that meet the requirements of 82-4-434; and

(iv) the limited opencut operation is not:

(A) in intermittent or perennial streams;

(B) in an area where the opencut operation will affect surface water, ground water, a water conveyance facility, or any slope that is steeper than 3:1;

(C) in an area where mining would be restricted by other laws; or

(D) in violation of local zoning regulations adopted under Title 76, chapter

2.

(b) At the operator's request and with department approval, the operator may have up to 1 additional year to perform the reclamation required by subsection ~~(2)(c)~~ (2)(a)(iii), provided the operator does not apply to extend or continue the limited opencut operation pursuant to subsection ~~(4)~~ (2)(c).

(4)(c) (a)(i) An operator who commences a limited opencut operation pursuant to subsection (2) (2)(a) may apply for a permit to continue or expand that opencut operation pursuant to the provisions of this subsection (4) (2)(c).

(b)(ii) The permit application must be complete within 180 days of the department's receipt of the limited opencut operation form.

(c)(iii) If the complete permit application is acceptable within 1 year of the department's receipt of the limited opencut operation form, the provisions of subsections (2)(c)(ii) and (2)(c)(iii) (2)(a)(iii)(B) and (2)(a)(iii)(C) do not apply and reclamation must be conducted as prescribed in the permit.

(d)(iv) If the complete permit application is not acceptable within 1 year of the department's receipt of the limited opencut operation form, the application is considered abandoned and void. Starting 3 days after the department notifies the applicant that the application is considered abandoned and void, the applicant has 180 days to complete the reclamation provided for in subsections (2)(c)(ii) and (2)(c)(iii) (2)(a)(iii)(B) and (2)(a)(iii)(C).

(e)(v) If the permit application is withdrawn by the applicant within 1 year of the department's receipt of the limited opencut operation form, the reclamation provided for in subsections (2)(c)(ii) and (2)(c)(iii) (2)(a)(iii)(B) and (2)(a)(iii)(C) must be completed within 180 days of the date of the withdrawal.

(3) *A landowner may remove up to 10,000 cubic yards of opencut materials on the landowner's property for personal or agricultural uses without obtaining a permit, unless the removal affects surface water, including intermittent or perennial streams, ground water, or water conveyance facilities.*

(5)(4) The department may ~~refuse to approve~~ *deny* an application for issuance of a permit under subsection (1) or may prohibit the operator from conducting ~~an a limited~~ opencut operation under subsection (2) (2)(a) if, at the time of *application or* notification ~~by the operator to the department~~, the operator has a pattern of violations or is in current violation of this part, rules adopted under this part, or provisions of a permit.

(6) ~~The department may require an additional bond as a condition for the conduct of an opencut operation under subsection (2):~~

(7) ~~Opencut operations described in subsection (2) may not occur:~~

(a) ~~in ephemeral, intermittent, or perennial streams;~~

(b) ~~in an area where the opencut operation will intercept surface water, ground water, or any slope that is steeper than 3:1; or~~

(c) ~~in any area where mining would be restricted by other laws.~~

(8) ~~Sand and gravel opencut operations must meet applicable local zoning regulations adopted under Title 76, chapter 2.~~

(9)(5) A permit is effective when the department provides written notice to the applicant that the information and materials provided to the department meet the requirements of this part and rules adopted pursuant to this part.

(10)(6) (a) Except as provided in subsection (10)(b) (6)(b), a permit issued under this part expires on the reclamation date proposed by the operator and approved by the department.

(b) Prior to the expiration of a permit:

(i) the operator may file an application to amend the plan of operation to extend the reclamation date pursuant to 82-4-434(4)(a);

(ii) the department may amend the plan of operation pursuant to 82-4-436;

(iii) the department may revoke the permit pursuant to 82-4-442; ~~or~~

(iv) the operator and the department may agree to terminate the permit upon mutual written consent;

(v) *(A) for a site permitted or for which an amendment was approved in 2010 or later, the operator may apply to extend the reclamation date on a site*

by submitting a form furnished by the department and provide an updated landowner consultation form and bond, if applicable; or

(B) for a site permitted or for which an amendment was approved prior to 2010, the department may use its discretion to allow the operator to request an extended reclamation date pursuant to subsection (6)(b)(v)(A); or

(vi) the operator may change the post mine land use on a site by submitting the request on a form furnished by the department and provide an updated landowner consultation form and bond, if applicable.

(11)(7) The expiration or termination of a permit issued under this part does not relieve an operator from the obligation to conduct reclamation as required by the plan of operation or the liability for costs of reclamation exceeding the amount of the bond."

Section 4. Section 82-4-432, MCA, is amended to read:

"82-4-432. Application for permit -- contents -- issuance -- amendment. (1) (a) An operator who requires a permit pursuant to 82-4-431 shall apply for a permit on forms furnished by the department prior to commencing operations.

(b) Operations subject to subsections (2) through (13) are those:

(i) that affect ground water or surface water, including intermittent or perennial streams, or water conveyance facilities; or

(ii) where 10 or more occupied dwelling units are within one-half mile of the permit boundary of the operation.

(c) All other operations are subject to subsection (14).

(2) (a) An application for a permit pursuant to subsections (2) through (13) must be made using forms furnished by the department and must contain the following:

(a)(i) the name of the applicant and, if other than the owner of the land, the name and address of the owner;

(b)(ii) the type of operation to be conducted;

(c)(iii) the estimated volume of overburden and materials to be removed;

(d)(iv) the location of the proposed openpit operation by legal description and county accompanied by a map showing the location of the proposed operation sufficient to allow the public to locate the proposed site; and

(e)(v) a statement that the applicant has the legal right to mine the designated materials in the lands described.

(2)(b) The application must be accompanied by:

(a)(i) a bond or security meeting the requirements as set out in this part;

(b)(ii) a statement from the local governing body having jurisdiction over the area to be mined certifying that the proposed sand and gravel openpit operation complies with applicable local zoning regulations adopted under Title 76, chapter 2, and in effect prior to the filing of a permit application or at the time a written request is received for a preapplication meeting pursuant to this section;

(c) a plan of operation that contains information sufficient to initiate acceptability review by addressing the requirements of 82-4-434 and rules adopted pursuant to this part related to 82-4-434;

(d) written documentation that the landowner has been consulted about the proposed plan of operation;

(e) a written agreement between the landowner and the operator authorizing the operator access to the site to perform reclamation if the landowner revokes or otherwise terminates the operator's right to mine;

(f) a list that is certified by the operator and generated on a form furnished by the department using cadastral and field information at the time of permit application of surface owners of land and real property on which occupied dwelling

~~units exist~~ located within one-half mile of the ~~boundary of the proposed opencut permit area~~ *permit boundary* using the owners of record as shown no more than 60 days prior to the submission of an application in the paper or electronic records of the county clerk and recorder for the county where the proposed opencut operation is located; and

(g) documentation of consultation with the state historic preservation office regarding possible archaeological or historical values on the affected land.

(3) If, prior to applying for a permit, a person notifies the department of the intention to submit an application and requests that the department examine the area to be mined, the department shall examine the area and make recommendations to the person regarding the proposed opencut operation. The person may request a *preapplication* meeting with the department. The department shall hold a meeting if requested.

(4) (a) (i) Except as provided in 75-1-208(4)(b), upon receipt of an application, the department shall, within 5 working days, review the application and notify the person as to whether or not the application is complete. An application is complete if it contains the items listed in subsections (1) and (2). If the department determines that the application is not complete, the department shall notify the applicant in writing and include a detailed identification of information necessary to make the application complete.

(ii) The time limit provided in subsection (4)(a)(i) applies to each submittal of the application until the department determines that the application is complete.

(b) (i) A determination that an application is complete does not ensure that the application is acceptable and does not limit the department's ability to request additional information or inspect the site during the review process.

(ii) Upon determining that an application is complete, the department shall begin reviewing the application for acceptability pursuant to this section.

(iii) The department shall accept public comment throughout the review process.

(c) The department may declare an application abandoned and void if:

(i) the applicant fails to respond to the department's written request for more information within 1 year; and

(ii) the department notifies the applicant of its intent to abandon the application and the applicant fails to provide information within 30 days.

(d) The department shall notify the applicant when an application is complete and post the complete application on the department's website.

(5) Within 15 days after the department sends notice of a complete application to the applicant, the applicant shall provide public notice, which must include:

(a) the name, address, and telephone number of the applicant;

(b) a description of the acreage, the estimated volume of overburden and materials to be removed, the type of materials to be removed, the facilities, the duration of activities, and the access points of the proposed opencut operation;

(c) a legal description of the proposed opencut operation and a map, or directions on how to access a map, showing the location of the proposed opencut operation and immediately surrounding property; and

(d) on a form provided by the department, notification that the application is complete and information on how to request a public meeting pursuant to this section.

(6) To provide public notice, the applicant shall:

(a) publish notice at least twice in a newspaper of general circulation in the locality of the proposed opencut operation. A map is not required in the

notice if, in addition to the legal description of the proposed opencut operation, the notice provides an address for the map posted on the department's website and instructions for obtaining a paper copy of the map from an applicant. If the notice does not include a map, the applicant shall promptly provide a paper copy to a requestor.

(b) mail the notice by first-class mail to the board of county commissioners of the county in which the proposed opencut operation is located and to surface owners of land located within one-half mile of the boundary of the proposed opencut permit area using the most current known owners of record as shown in the paper or electronic records of the county clerk and recorder for the county where the proposed opencut operation is located;

(c) post the notice in at least two prominent locations at the site of the proposed opencut operation, including near a public road if possible; and

(d) provide the department with the names and addresses of those notified pursuant to subsection (6)(b).

(7) (a) Except as provided in subsection (7)(b), the department shall accept requests for a public meeting for 45 days after the department sends notice to the applicant of a complete application. Within this period, unless a public meeting is required pursuant to subsection (9), the department shall notify the applicant as to whether or not the application is acceptable pursuant to subsection (10).

(b) If the applicant and the department mutually agree or the applicant submits documentation on a form provided by the department showing that a public meeting will not be required pursuant to subsection (9), the department shall inform the applicant within 30 days of the notice of a complete application as to whether or not the application is acceptable pursuant to subsection (10).

(8) If a public meeting is required pursuant to subsection (9), within 30 days from the closing date of the public meeting request period in subsection (7), the department shall:

(a) hold a meeting; and

(b) notify the applicant as to whether or not the application is acceptable pursuant to subsection (10) or that the application requires an extended review pursuant to 82-4-439.

(9) (a) The department shall hold a public meeting in the area of the proposed opencut operation at the request of:

(i) the applicant; or

(ii) at least ~~30%~~ 51% of the *real* property owners *on which occupied dwelling units exist* or 10 *real* property owners *on which occupied dwelling units exist*, whichever is greater, notified pursuant to this section. For the purposes of this subsection (9)(a)(ii), multiple ~~property~~ owners of the same ~~parcel~~ *occupied dwelling unit* are to be counted as a single *real* property owner.

(b) To provide notice for a public meeting, the department shall notify by first-class mail or electronically the property owners on the list provided by the applicant pursuant to this section and the board of county commissioners in the county where the proposed opencut operation is located.

(10) (a) An application is acceptable if it complies with the requirements of subsections (1) and (2) and includes a plan of operation that satisfies the requirements of 82-4-434 and rules adopted pursuant to this part related to 82-4-434. If the department determines that the application is not acceptable, the department shall notify the applicant in writing and include a detailed identification of all deficiencies.

(b) Within 10 working days of receipt of the applicant's response to the identified deficiencies, the department shall review the responses and notify the applicant as to whether or not the application is acceptable. If the application is

unacceptable, the department shall notify the applicant in writing and include a detailed identification of the deficiencies.

(c) If the application is acceptable, the department shall issue a permit to the operator that entitles the operator to engage in the opencut operation on the land described in the application.

(11) (a) An operator may amend a permit by submitting an amendment application to the department. Upon receipt of the amendment application, the department shall review it in accordance with the requirements and procedures in this section. If the amendment application is acceptable, the department shall issue an amendment to the original permit.

(b) An application for an amendment is not subject to the public notice or public meeting requirements of this section or an extended review pursuant to 82-4-439 unless it proposes an increase in permitted acreage of 50% or more of the amount of permitted acreage in the current permit.

(c) For amendment applications not subject to the public notice and public meeting requirements of this section, the department shall, within 45 days of notifying the applicant that the application is complete, notify the applicant as to whether or not the application is acceptable pursuant to subsection (10).

(12) (a) Except as provided in subsection (12)(b), if weather or other field conditions prevent the department from conducting an adequate site inspection to evaluate a permit or amendment application, the time limits provided in subsections (7) and (11) are suspended until the weather or other field conditions allow for an adequate site inspection.

(b) Before suspending time limits, the department shall allow the operator to provide the information needed from a site inspection by other means, including but not limited to surveys, photos, videos, or other reports.

(13) The department shall post a copy of an acceptable permit or amendment on its website.

(14) (a) *Operations not described by subsection (1)(b) that apply for a permit or an amendment shall submit:*

(i) *a landowner consultation form;*

(ii) *documentation of consultation with the state historic preservation office regarding possible archaeological or historical values on the affected land;*

(iii) *a reclamation bond calculated pursuant to the requirements of 82-4-433 unless exempt pursuant to 82-4-405;*

(iv) *if applicable, documentation of compliance with Title 76, chapter 22, part 1;*

(v) *a statement from the local governing body having jurisdiction over the area to be mined certifying that the proposed sand and gravel opencut operation complies with applicable local zoning regulations adopted under Title 76, chapter 2, and in effect prior to the filing of a permit application or at the time a written request is received for a preapplication meeting pursuant to this section;*

(vi) *results from three soil test pits meeting the soil guideline requirements;*

(vii) *the appropriate fee as set forth in 82-4-437 and a \$500 fee to be deposited in the opencut fund pursuant to 82-4-438;*

(viii) *the proposed permit boundary in a format acceptable to the department and a location map;*

(ix) *a certification from the operator that there are fewer than 10 occupied dwelling units within one-half mile of the permit boundary of the operation no more than 60 days from the date the application materials are submitted;*

(x) *certification from the operator that notice of the proposed opencut operation was:*

(A) *published at least twice in a newspaper of general circulation in the locality of the proposed opencut operation;*

(B) mailed to surface owners of land located within one-half mile of the boundary of the proposed opencut permit area using the most current known owners of record as shown in the paper or electronic records of the county clerk and recorder for the county where the proposed opencut operation is located. If the notice does not include a map, the applicant shall promptly provide a copy to a requestor.

(C) posted in at least two prominent locations at the site of the proposed opencut operation, including near a public road if possible;

(xi) the date the site is to be fully reclaimed.

(b) Except as provided in 75-1-208(4)(b), upon receipt of an application under this subsection (14), the department shall, within 5 working days, review the application and notify the person as to whether or not the application is complete. An application is complete if it contains the items listed in subsection (14)(a). If the department determines that the application is not complete, the department shall notify the applicant in writing and include a detailed identification of information necessary to make the application complete.

(c) Upon determining that an application is complete, the department shall begin reviewing the application for acceptability pursuant to this section. Public comment may be submitted throughout the review period.

(d) Within 15 days of receiving the information required by subsection (14)(a), the department shall determine if the information meets the requirements of subsection (14)(a) and notify the operator in writing. If the requirements are met, the operator may commence the operation on receipt of the notification.

(e) If the information submitted does not meet the requirements of subsection (14)(a), the department shall notify the applicant in writing and include a detailed identification of all deficiencies.

(f) Within 10 working days of receipt of the applicant's response to the identified deficiencies, the department shall review the responses and notify the applicant as to whether the information submitted meets the requirements of subsection (14)(a). If the information submitted does not meet the requirements, the department shall notify the applicant in writing and include a detailed identification of the deficiencies.

(g) If the information submitted to the department meets the requirements of subsection (14)(a), the department shall notify the operator in writing. On receipt of the notification, the operator may commence opencut operations on the land described in the application.

(h) The department may prohibit an operation under this section if, at the time of submission of information required by subsection (14)(a), the operator has a pattern of violations of this part or is in current violation of this part, rules adopted under this part, or provisions of a permit.

(i) Prior to removing materials, the operator shall salvage all of the soil from the area to be disturbed.

(j) Prior to the final reclamation date, the operator shall grade the affected land to 3:1 or flatter slopes for rangeland and to 5:1 or flatter slopes for farmland and cropland, blend the graded land into the surrounding topography, replace an appropriate amount of overburden and all soils, and reclaim to conditions either present prior to operations or as specified by the landowner, including all access roads used for the operation unless the landowner requests in writing that specific roads or portions of roads remain in place. Roads left at the landowner's request must be sized to support the use of the road after operations."

Section 5. Section 82-4-434, MCA, is amended to read:

"82-4-434. Plan of operation – requirements. (1) The department shall accept a plan of operation if the department finds that the plan complies with the requirements of this part and the rules adopted pursuant to this part

and that after the opencut operation is completed, the affected land will be reclaimed to a productive use. Once the plan of operation is accepted by the department, it becomes a part of the permit but is subject to annual review and amendment by the department. Any amendment by the department must comply with the provisions of 82-4-436(2).

~~(2) The department may not accept a A plan of operation unless the plan provides must provide:~~

(a) that the affected land will be reclaimed for one or more specified uses, including but not limited to agriculture, forest, pasture, orchard, cropland, residence, recreation, industry, habitat for wildlife, including food, cover, or water, or other reasonable, practical, and achievable uses;

~~(b) that whenever the opencut operation results in a need to prevent acid drainage or sedimentation on or in adjoining lands or streams, catchments, ponds, or other reasonable devices to control water drainage and sediment will be constructed and maintained, provided the devices will not interfere with other landowners' rights or contribute to water pollution;~~

(c) that soil and other suitable overburden will be salvaged and replaced on affected land, when required by the postmining land use, after completion or termination of that particular phase of the opencut operation. The depth of soil and other suitable overburden to be placed on the reclaimed area must be specified in the plan.

(d) that grading will result in a postmining topography conducive to the designated postmining land use;

(e) that waste will be buried on site in a manner that protects water quality and is compatible with the postmining land use or will be disposed of off site in accordance with state laws and rules;

(f) that all access, haul, and other support roads will be located, constructed, and maintained in a manner that controls and minimizes erosion;

~~(g) that the opencut operation will be conducted to avoid range and wildland fires and spontaneous combustion and that open burning will be conducted in accordance with suitable practices for fire prevention and control. Approval of the plan for fire prevention and control under this part does not relieve the operator of the duty to comply with the air quality permitting and protection requirement of Title 75, chapter 2.~~

(h) that archaeological and historical values on affected lands will be given ~~appropriate~~ *legally required* protection;

(i) that except for those postmining land uses that do not require vegetation, each surface area of the mined premises that will be disturbed will be revegetated when its use for the opencut operation is no longer required;

(j) that seeding and planting will be done in a manner to achieve a permanent vegetative cover that is suitable for the postmining land use and that retards erosion;

(k) that reclamation will be as concurrent with the opencut operation as feasible and will be completed within a specified length of time;

~~(l) that surface water and ground water will be given appropriate protection, consistent with state law, from deterioration of water quality and quantity that may arise as a result of the opencut operation;~~

~~(m) that noise and visual impacts on residential areas will be minimized to the degree practicable through berms, vegetation screens, and reasonable limits on hours of operation; and~~

~~(n) that any additional procedures, including monitoring, that are necessary, consistent with the purposes of this part, to prevent significant physical harm to the affected land or adjacent land, structures, improvements, or life forms will be implemented~~

(j) *a declaration by the operator that the operator will comply with applicable federal, state, county, or local regulations, ordinances and permits, licenses, and approvals for the operation;*

(k) *for the construction of berms between the opencut operation and residences located within 300 feet of the permit boundary; and*

(l) *procedures to prevent physical harm to water conveyance facilities, or that allow the owner of a water conveyance facility to authorize in writing the relocation or disturbance of the water conveyance facility.*

(3) If reclamation according to the plan of operation is not completed in the time specified, the department may:

(a) pursue an administrative order pursuant to 82-4-441;

(b) after 30 days' written notice, order the operator to cease mining and, if the operator does not cease, issue an order to reclaim, a notice of violation, or an order of abatement; or

(c) institute an action to enjoin further operation; or

(d) on request of the operator:

(i) *extend the timeframe for reclamation-only activities, including revegetation, up to 5 years by submitting the request on a form furnished by the department and provide an updated landowner consultation form and bond, as appropriate; or*

(ii) *change the post mine land use by submitting the request on a form furnished by the department and provide an updated landowner consultation form and bond, as appropriate.*

(4) (a) At any time during the term of the permit, the operator may for good reason submit to the department a new plan of operation or amendments to the existing plan, including extensions of time for reclamation.

(b) The department may approve the proposed new plan of operation or amendments to the existing plan if:

(i) the new plan of operation or amendments comply with the requirements of this section; and

(ii) (A) the operator has in good faith conducted opencut operations according to the existing plan of operation; or

(B) it is highly improbable that reclamation will be successful unless the existing plan of operation is replaced or amended.

(5) The permit, plan of operation, and amendments accepted by the department are a public record and are open to inspection."

Section 6. Section 82-4-439, MCA, is amended to read:

"82-4-439. Extended review -- criteria -- timeframes. (1) The department may subject an opencut application to an extended review if the department determines that comments received at a public meeting held pursuant to 82-4-432 reveal ~~substantial issues not adequately satisfied in the~~ proposed plan of operation ~~violates provisions of this part.~~

(2) (a) For a complete application subject to an extended review, the department shall, within 60 days from the date the department determines the application warrants an extended review, inspect the proposed site if the department determines an inspection is necessary and notify the applicant as to whether or not the application is acceptable pursuant to 82-4-432. If the application is unacceptable, the notice must include a detailed explanation of the deficiencies.

(b) Within 30 days of receipt of the applicant's response to the identified deficiencies, the department shall review the responses and notify the applicant as to whether or not the application is acceptable. If the application is unacceptable, the department shall notify the applicant in writing and include a detailed identification of the deficiencies.

(c) The department may for sufficient cause extend either or both of the review periods in subsection (2)(a) or (2)(b) for an additional 30 days if it notifies the applicant of the extension prior to the end of the respective original period. The department shall include in the notification of extension the reason for the extension.

(d) If the application is acceptable, the department shall issue a permit or a permit amendment to the operator that entitles the operator to engage in the opencut operation on the land described in the application.”

Section 7. Repealer. The following sections of the Montana Code Annotated are repealed:

82-4-440. Limited borrow operations -- notice -- limitations -- rulemaking -- definition.

Section 8. Effective date. [This act] is effective on passage and approval.

Section 9. Retroactive applicability. [Sections 3 and 5] apply retroactively, within the meaning of 1-2-109, to amendments for opencut operations in existence on [the effective date of this act] that propose to change the reclamation date or the post mine land use.

Approved May 14, 2021

CHAPTER NO. 546

[HB 606]

AN ACT ALLOWING CUSTOMERS TO OPT-IN FOR ADVANCED METERING GATEWAY DEVICE INSTALLATION; PROVIDING RULEMAKING AUTHORITY; AMENDING SECTIONS 69-4-1001 AND 69-4-1004, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.

Be it enacted by the Legislature of the State of Montana:

Section 1. Advanced metering gateway device opt-in provisions – rulemaking. (1) A utility may allow customers to opt-in to the installation of all advanced metering gateway devices located at an end user’s residence or business.

(2) A utility may charge customers who opt-in to advanced metering gateway device installation additional fees or charges related to the installation.

(3) If the commission determines an opt-in program should be established, the commission shall adopt rules providing options, requirements, and a process for determination of fees or charges for individual customers to opt-in to advanced metering gateway device installation.

(4) Utilities seeking to allow an advanced metering gateway device opt-in program shall file a report detailing the program requirements and process for determining fees or charges with the commission along with a \$25 filing fee.

Section 2. Section 69-4-1001, MCA, is amended to read:

“69-4-1001. Definitions. As used in this part, unless the context requires otherwise, the following definitions apply:

(1) “Advanced metering *gateway device*” means any ~~electric utility meter~~, electric utility meter component, or device ancillary to the electric utility meter that is located at an end-user’s residence or business and is equipped and programmed to communicate with electrical appliances, electrical equipment, or electrical devices within the end-user’s residence or business or that is capable of estimating and recording electrical energy usage by types of appliances, electrical equipment, or electrical devices.

(2) “Advanced metering device” or “advanced meter” means a meter or metering device that is owned or leased by a utility or the utility’s agent and that:

(a) measures, records, or sends a customer’s utility usage or other data by use of radio waves or internet technology; and

(b) allows for two-way communication between the meter and the utility or its agent.

(2)(3) “Utility” means a public utility regulated by the public service commission pursuant to Title 69, chapter 3.”

Section 3. Section 69-4-1004, MCA, is amended to read:

“69-4-1004. Opt-out – public service commission responsibilities – rulemaking. (1) On or before July 1, 2020 2022, the public service commission shall determine whether an opt-out program for *advanced meters* or advanced metering *gateway* devices, or *both*, should be established.

(2) In determining whether to establish an opt-out program, the commission shall consider:

(a) an individual customer’s privacy interest;

(b) costs and practicality of allowing customers to opt out;

(c) availability of other technology; and

(d) other concerns related to advanced metering devices *and advanced metering gateway devices*.

(2)(3) If the commission determines an opt-out program should be established, the commission shall adopt rules providing options and requirements for individual customers to opt out of advanced metering *device* or advanced metering *gateway device* installation.”

Section 4. Codification instruction. [Section 1] is intended to be codified as an integral part of Title 69, chapter 4, part 10, and the provisions of Title 69, chapter 4, part 10, apply to [section 1].

Section 5. Effective date. [This act] is effective on passage and approval.

Approved May 14, 2021

CHAPTER NO. 547

[HB 614]

AN ACT GENERALLY REVISING THE WORKFORCE DEVELOPMENT PROVISIONS OF THE HEALTH AND ECONOMIC LIVELIHOOD PARTNERSHIP ACT; ESTABLISHING ALLOWABLE USES OF WORKFORCE DEVELOPMENT FUNDING; REQUIRING CONTRACTING FOR TRAINING AND EDUCATION PROGRAMS; EXTENDING RULEMAKING AUTHORITY; AMENDING SECTIONS 39-12-103, 39-12-107, AND 53-6-1302, MCA; AND PROVIDING AN EFFECTIVE DATE.

Be it enacted by the Legislature of the State of Montana:

Section 1. Section 39-12-103, MCA, is amended to read:

“39-12-103. (Temporary) Montana HELP Act workforce development – participation – providers – allowable activities – report. (1) The department shall provide individuals receiving assistance for health care services pursuant to Title 53, chapter 6, part 13, with the option of ~~participating in an employment or reemployment assessment and in the workforce development program provided for in 39-12-101. The assessment must identify any probable barriers to employment that exist for the member taking part in a workforce development program to allow the participant to increase the participant’s earning capacity and economic stability.~~

(2) The department shall: ~~contact each program participant subject to the community engagement requirements of 53-6-1308 and assist the participant with completion of an employment or reemployment assessment. Based on the results of the assessment, the department shall identify services to help the individual address barriers to employment~~

(a) *assist program participants with completion of an employment or reemployment assessment; and*

(b) *contract with one or more private nonprofit or for-profit entities to provide workforce development services. The services must emphasize training in high-demand occupations, particularly in the health care field and in short-term certification programs for entry-level cybersecurity analysts.*

(3) *Allowable workforce development services include:*

(a) *education and training; and*

(b) *supportive services that assist a program participant with the items or services necessary to participate in the workforce, including but not limited to supportive services involving clothing, transportation, and equipment needed to obtain or maintain employment.*

(4) *Entities contracting to provide workforce development services shall report quarterly to the department on the activities provided. At a minimum, the entities shall report on:*

(a) *the number of clients enrolled in program activities and co-enrolled in other workforce programs;*

(b) *the types of services provided;*

(c) *the number of clients who attained a credential or gained a measurable skill;*

(d) *the number of clients who exited the program;*

(e) *the number of clients who exited the program to employment;*

(f) *the number of clients who continued enrollment in the program;*

(g) *the amount and type of outreach the entity has done to recruit program participants; and*

(h) *the amount of money spent directly on participants.*

~~(3)(5)~~ (a) The department shall notify the department of public health and human services when a participant has received all services and assistance under subsection (1) that can reasonably be provided to the individual.

(b) The department is not required to provide further services under this section after it has provided the notification provided for in subsection ~~(3)(a)~~ (5)(a).

(c) A participant who is no longer receiving services under this section does not meet the criteria of 53-6-1307(6)(c) for the exemption granted under 53-6-1307(6).

~~(4)(6)~~ ~~The~~ The department shall report the following information to the legislative finance committee and the children, families, health, and human services interim committee:

(a) ~~the the~~ ~~activities undertaken to establish~~ *establish* the employer grant program provided for in 39-12-106;

(b) the number of employers receiving grant awards and the number and types of activities, training, or jobs the employers provided; and

(c) *the services provided and* the total cost of providing workforce development services under this chapter, including related administrative costs.

~~(5)(7)~~ (7) To the extent possible, the department of public health and human services shall offset the cost of workforce development activities provided under this section by using temporary assistance for needy families reserve funds.

(6)(8) The department shall reduce fraud, waste, and abuse in determining and reviewing eligibility for unemployment insurance benefits by enhancing technology system support to provide knowledge-based authentication for verifying the identity and employment status of individuals seeking benefits, including the use of public records to confirm identity and to flag changes in demographics. (Terminates June 30, 2025--secs. 38, 48, Ch. 415, L. 2019.)”

Section 2. Section 39-12-107, MCA, is amended to read:

“39-12-107. (Temporary) Rulemaking authority. (1) The department may adopt rules to carry out the purposes of this chapter and may coordinate as necessary with the department of public health and human services in adoption of the rules.

(2) *The rules must allow for flexibility in the scope of services allowed under the program in order to permit a program participant to obtain the education, training, or supportive services needed to improve the participant’s employment situation. The department shall consult with the department of public health and human services to determine the supportive services allowed under the program.* (Terminates June 30, 2025--sec. 38, Ch. 415, L. 2019.)”

Section 3. Section 53-6-1302, MCA, is amended to read:

“53-6-1302. (Temporary) Montana HELP Act program -- legislative findings and purpose. (1) There is a Montana Health and Economic Livelihood Partnership Act program established through a collaborative effort of the department of public health and human services and the department of labor and industry to:

(a) provide coverage of health care services for low-income Montanans;
(b) improve the readiness of program participants to enter the workforce or obtain better-paying jobs; and

(c) reduce the dependence of Montanans on public assistance programs.

(2) The legislature finds that improving the delivery of health care services to Montanans requires state government, health care providers, patient advocates, and other parties interested in high-quality, affordable health care to collaborate in order to:

(a) increase the availability of high-quality health care to Montanans;
(b) provide greater value for the tax dollars spent on the Montana medicaid program;

(c) reduce health care costs;

(d) provide incentives that encourage Montanans to take greater responsibility for their personal health;

(e) boost Montana’s economy by reducing the costs of uncompensated care; and

(f) reduce or minimize the shifting of payment for unreimbursed health care costs to patients with health insurance.

(3) The legislature further finds that providing greater value for the dollars spent on the medicaid program requires considering options for delivering services in a more efficient and cost-effective manner, including but not limited to:

(a) offering incentives to encourage health care providers to achieve measurable performance outcomes;

(b) improving the coordination of care among health care providers who participate in the medicaid program;

(c) reducing preventable hospital readmissions; and

(d) exploring methods of medicaid payment that promote quality of care and efficiencies.

(4) The legislature further finds that ~~assessing workforce readiness, providing necessary job training, or skill development, or supportive services,~~

and establishing community engagement requirements for individuals who need assistance with health care costs could help those individuals obtain employment that has health care coverage benefits or that would allow them to purchase their own health insurance coverage.

(5) The legislature further finds that:

(a) it is important to implement additional fraud, waste, and abuse safeguards to protect and preserve the integrity of the medicaid program and the unemployment insurance program for individuals who qualify for the programs; and

(b) state policymakers have an interest in testing the effectiveness of wellness incentives in order to collect and analyze information about the correlation between wellness incentives and health status.

(6) The purposes of the act are to:

(a) modify and enhance Montana's health care delivery system to provide access to high-quality, affordable health care for all Montana citizens; and

(b) provide low-income Montanans with opportunities to improve their readiness for work or to obtain higher-paying jobs.

(7) The department of labor and industry and the department of public health and human services shall maximize the use of existing resources in administering the program. (Terminates June 30, 2025--secs. 38, 48, Ch. 415, L. 2019.)"

Section 4. Direction to department of labor and industry.

The legislature directs the department of labor and industry to use funds appropriated for the workforce development program provided for in Title 39, chapter 12, to contract with private entities as provided in 39-12-103.

Section 5. Effective date. [This act] is effective July 1, 2021.

Approved May 12, 2021

CHAPTER NO. 548

[HB 620]

AN ACT EXTENDING THE TERMINATION DATE OF THE STATUTORY APPROPRIATION FOR TITLE X FAMILY PLANNING FUNDS; PRIORITIZING PUBLIC FUNDS TO HEALTH CARE ENTITIES; PLACING RESTRICTIONS ON THE USE OF FUNDS; PROVIDING DEFINITIONS; AMENDING SECTION 50-1-115, MCA; AMENDING SECTION 6, CHAPTER 291, LAWS OF 2015; AND PROVIDING AN EFFECTIVE DATE AND AN APPLICABILITY DATE.

Be it enacted by the Legislature of the State of Montana:

Section 1. Definitions. As used in [sections 1 through 3], unless the context clearly indicates otherwise, the following definitions apply:

(1) "Family planning services" means a range of appropriate methods to prevent, delay, space, or otherwise time pregnancy, including natural family planning methods and infertility services. Family planning services do not include abortion, abortion referrals, or counseling in favor of abortion.

(2) "Federally qualified abortion" means an abortion qualified for federal matching funds under the medicaid program, 42 U.S.C. 1396, et seq., and as amended after this.

(3) "Federally qualified health center" means a health care provider that is eligible to receive federal funds under 42 U.S.C. 1396d(1)(2)(B).

(4) "Hospital" means a hospital as defined in 50-5-101.

(5) “Public funds” means state funds, including without limitation state general revenue funds, state special revenue funds, limited purpose grants or loans, and federal funds, federal state account 03026, provided under Title X of the Public Health Service Act, 42 U.S.C. 300, et seq., Title IV, 42 U.S.C. 601, et seq., and Title V, 42 U.S.C. 701, et seq., and Title XX, 42 U.S.C. 1397, et seq., of the Social Security Act.

(6) “Rural health clinic” means a health care provider that is eligible to receive federal funds under 42 U.S.C. 1395x(aa)(2).

Section 2. Prioritizations of public funds to health care entities – restrictions. Subject to any applicable requirements of federal statutes, rules, regulations, or guidelines:

(1) Any expenditures or grants of public funds for family planning services by the state by and through the department of public health and human services must be made in the following order of priority:

(a) to public entities;

(b) to federally qualified health centers and rural health clinics;

(c) to nonpublic health providers that have as their primary purpose the provision of the primary health care services enumerated in 42 U.S.C. 254b(a)(1); and

(d) to nonpublic health providers that do not have as their primary purpose the provision of the primary health care services enumerated in 42 U.S.C. 254b(a)(1).

(2) The department of public health and human services may not enter into a contract with, or make a grant to, an entity that performs nonfederally qualified abortions or maintains or operates a facility where nonfederally qualified abortions are performed, provided, however, that nothing in [sections 1 through 3] shall be construed to apply to the receipt or administration of funds pursuant to 42 U.S.C. 1396, et seq.

Section 3. Effect on appropriations. Any appropriation of public funds made by the department of public health and human services in derogation of the provisions of [section 2] is void as of [the effective date of this act], and the funds allocated pursuant to these appropriations must be reallocated to eligible entities.

Section 4. Section 50-1-115, MCA, is amended to read:

“50-1-115. (Temporary) Special revenue account – statutory appropriation. (1) There is an account in the federal special revenue fund to the credit of the department. Money received by the state pursuant to Title X of the Public Health Service Act, 42 U.S.C. 300a, et seq., must be deposited into the account.

(2) The department shall use the money from the account to:

(a) make grants in accordance with [section 2] and federal law and regulations; and

(b) pay for grant-related administrative costs.

(3) Money in the account is statutorily appropriated, as provided in 17-7-502, to the department for the purposes of subsection (2). (Terminates June 30, 2021 2025 --sec. 6, Ch. 291, L. 2015.)”

Section 5. Section 6, Chapter 291, Laws of 2015, is amended to read:

“Section 6. Termination. [This act] terminates June 30, 2021 2025.”

Section 6. Codification instruction. [Sections 1 through 3] are intended to be codified as an integral part of Title 50, chapter 1, and the provisions of Title 50, chapter 1, apply to [sections 1 through 3].

Section 7. Severability. If a part of [this act] is invalid, all valid parts that are severable from the invalid part remain in effect. If a part of [this act] is

invalid in one or more of its applications, the part remains in effect in all valid applications that are severable from the invalid applications.

Section 8. Effective date. [This act] is effective June 30, 2021.

Section 9. Applicability. [Section 3] applies to Title X grant funds received after March 31, 2022.

Approved May 14, 2021

CHAPTER NO. 549

[HB 625]

AN ACT GENERALLY REVISING LAWS RELATED TO THE CHILD AND FAMILY OMBUDSMAN; PROVIDING FOR SYSTEMIC OVERSIGHT OF CHILD PROTECTIVE SERVICES; CLARIFYING THAT THE OMBUDSMAN MAY INDEPENDENTLY INVESTIGATE A MATTER BEING ADDRESSED IN ANOTHER MANNER; PROVIDING AN APPROPRIATION; AMENDING SECTIONS 41-3-1209, 41-3-1211, AND 41-3-1212, MCA; AND PROVIDING EFFECTIVE DATES.

Be it enacted by the Legislature of the State of Montana:

Section 1. Systemic oversight of child protective services activities. (1) The office shall provide oversight of the child protective services provided by the department to identify and report on trends in the handling of the cases and make recommendations on ways to improve the child protective services system.

(2) The office shall analyze information received, reviewed, and compiled by the ombudsman, including but not limited to:

- (a) the reports provided pursuant to 41-3-209;
- (b) the requests for assistance received by the office;
- (c) policies and procedures used by the department in responding to and investigating reports of child abuse and neglect;
- (d) findings relating to ombudsman investigations; and
- (e) best practices for the handling of child abuse and neglect cases and the degree to which the department is using those practices.

(3) Based on the analysis, the ombudsman shall provide systemic and trend recommendations twice each calendar year to the department. The department shall respond to the recommendations within 60 days of receiving the report unless the department has requested in writing and received an extension of the deadline for response. The response must include a description of how it will implement the recommendations or justification as to why the department is not implementing the recommendations at that time.

(4) If the department fails to respond to the recommendations as required or provides justification as to why it is not implementing the recommendations, the ombudsman shall send the report to the governor, the director of the department, and the children, families, health, and human services interim committee.

(5) The ombudsman may carry out the oversight duties provided for in this section independently or in conjunction with other governmental bodies or nongovernmental research organizations, consistent with the disclosure and confidentiality provisions of 41-3-1211(5).

Section 2. Section 41-3-1209, MCA, is amended to read:

“41-3-1209. Purpose and intent. The legislature finds that an independent, impartial, and confidential ombudsman serves:

- (1) to protect the interests and rights of Montana’s children and families; and

(2) to strengthen child and family services by working in ~~collaboration~~ *consultation* with the department and with appropriate county attorneys in cases under review.”

Section 3. Section 41-3-1211, MCA, is amended to read:

“41-3-1211. Powers and duties. The powers and duties of the ombudsman are:

(1) to respond to requests for assistance regarding administrative acts and to investigate administrative acts;

(2) to investigate circumstances surrounding reports that are provided to the ombudsman pursuant to 41-3-209;

(3) to inspect, copy, or subpoena records as needed to perform the ombudsman’s duties under this part;

(4) to take appropriate steps to ensure that persons are made aware of the purpose, services, and procedures of the ombudsman and how to contact the ombudsman;

(5) to share relevant findings related to an investigation, subject to disclosure restrictions and confidentiality requirements, with individuals or entities legally authorized to receive, inspect, or investigate reports of child abuse or neglect;

(6) to periodically review department procedures and promote best practices and effective programs by working ~~collaboratively~~ *in consultation* with the department to improve procedures, practices, and programs;

(7) to undertake, participate in, and ~~cooperate~~ *consult* with persons and the department in activities, including but not limited to conferences, inquiries, panels, meetings, or studies, that serve to improve the manner in which the department functions;

(8) to provide education on the legal rights of children;

(9) to apply for and accept grants, gifts, contributions, and bequests of funds for the purpose of carrying out the ombudsman’s responsibilities; and

(10) to report annually to the attorney general and the children, families, health, and human services interim committee. The report must be public and may contain recommendations from the ombudsman regarding *systematic* ~~systemic~~ improvements for the department.”

Section 4. Section 41-3-1212, MCA, is amended to read:

“41-3-1212. Investigations – discretion – procedure. (1) The ombudsman shall investigate a request for assistance unless:

~~(a) the request for assistance could reasonably be addressed by another remedy or channel;~~

~~(b)~~(a) the request for assistance is trivial, frivolous, vexatious, or not made in good faith;

~~(c)~~(b) the request for assistance is too delayed to justify an investigation;

~~(d)~~(c) the person requesting assistance is not personally aggrieved by the subject matter of the request; or

~~(e)~~(d) the request for assistance has been previously investigated by the ombudsman.

(2) *The ombudsman may investigate a request for assistance in a matter that is being or may reasonably be addressed by another remedy or channel, including a matter that is before a court.*

(2)(3) (a) After an investigation is completed, the ombudsman shall provide to the department any findings, conclusions, and recommendations.

(b) At the ombudsman’s request, the department shall inform the ombudsman in a timely manner about any action taken to address or any reasons for not addressing the ombudsman’s findings, conclusions, and recommendations.”

Section 5. Appropriation. There is appropriated \$1 from the general fund to the department of justice in each year of the biennium beginning July 1, 2021, to support the provisions of [section 1].

Section 6. Codification instruction. [Section 1] is intended to be codified as an integral part of Title 41, chapter 3, part 12, and the provisions of Title 41, chapter 3, part 12, apply to [section 1].

Section 7. Effective date. (1) Except as provided in subsection (2), [this act] is effective on passage and approval.

(2) [Section 5] is effective July 1, 2021.

Approved May 14, 2021

CHAPTER NO. 550

[HB 629]

AN ACT GENERALLY REVISING TAXATION TO PROMOTE NEW BUSINESS AND ECONOMIC ACTIVITY; PROVIDING FOR THE CREATION OF AN INCOME TAX CREDIT TO INCENTIVIZE MONTANA JOB GROWTH; PROVIDING FOR ADMINISTRATION BY THE DEPARTMENT OF LABOR AND INDUSTRY AND THE DEPARTMENT OF REVENUE; PROVIDING THAT THE CREDITS BE TAKEN AGAINST INDIVIDUAL INCOME TAX AND CORPORATE INCOME TAX LIABILITIES; PROVIDING DEFINITIONS; PROVIDING RULEMAKING AUTHORITY; PROVIDING APPROPRIATIONS; AMENDING SECTIONS 15-30-2303, 15-30-2357, 15-30-2618, AND 15-31-511, MCA; AND PROVIDING EFFECTIVE DATES, APPLICABILITY DATES, AND TERMINATION DATES.

Be it enacted by the Legislature of the State of Montana:

Section 1. Employer job growth incentive tax credit -- administration. (1) An employer that hires qualifying new employees is eligible for an annual job growth incentive tax credit against income taxes imposed pursuant to Title 15, chapter 30 or 31.

(2) The amount and duration of the credit is administered by the department of revenue as provided in [sections 2 and 3].

(3) A qualifying employer seeking approval to claim a credit shall apply for a credit certificate with the department for the preceding calendar year. The application must be submitted on a form prescribed by the department on which the employer:

(a) identifies and describes the number of qualifying new employees hired;

(b) provides necessary details to calculate the net employee growth and qualifying net employee growth;

(c) provides documentation necessary to calculate the job growth incentive tax credit, including but not limited to the average yearly wage of each qualifying new employee; and

(d) submits any other information the department considers necessary for auditing purposes and to determine whether the employer qualifies for a credit certificate.

(4) After receiving an application, the department shall:

(a) provide the employer with a credit certificate, which must accompany the employer's tax return that is filed with the department of revenue; or

(b) deny an application for a credit certificate and provide the employer with the reasoning for the denial. Prior to issuing a denial, the department

shall provide the employer with an opportunity to resolve deficiencies in the application.

(5) The department shall provide to the department of revenue a list of the qualifying employers approved for a credit certificate, the qualifying new employees employed by the qualifying employer, and the aggregate total of net employee growth and qualified net employee growth for qualified employers claiming the credit. The list must include the federal tax identification number of the qualifying employer and the name and social security number or federal tax identification number of the qualifying new employees that were utilized during the issuance of a credit certificate.

(6) The identity and social security number or federal tax identification number of individuals employed by the employer are subject to the provisions of 15-30-2618 and 15-31-511.

(7) The department may audit an employer applying for a credit certificate or who has obtained a credit certificate.

(8) By November 1 of each year, the department shall multiply the minimum yearly wage in subsection (10)(j)(i)(C) by the inflation factor for the following tax year and round the product to the nearest \$10. The resulting minimum yearly wage is effective for that following tax year and must be used in calculating the minimum yearly wage.

(9) The department may adopt rules necessary to administer this section.

(10) For the purposes of this section, the following definitions apply:

(a) "Business transfer" means any change in ownership or transfer of all or a material portion of the business to another entity or individual by entity merger, combination, reorganization, asset acquisition, transfer, or other similar business transaction in which an existing business is continued under new ownership or a different entity.

(b) "Credit certificate" means a statement issued by the department to a qualifying employer that provides the number of qualifying new employees hired or retained by the qualifying employer starting with calendar year 2022 and ending in calendar year 2028.

(c) "Department" means the department of labor and industry provided for in 2-15-1701.

(d) "Employer" includes any person, entity, or fiduciary, resident or nonresident, subject to a tax or other obligation imposed by Title 15, chapters 30 and 31.

(e) "Inflation factor" means a number determined for each tax year by dividing the consumer price index as defined in 15-30-2101 for June of the previous tax year by the consumer price index for June 2021.

(f) "Net employee growth" means the difference between the total number of qualifying new employees employed by the employer in the state during any calendar year starting with calendar year 2022 and ending in calendar year 2028 and the total number of full-time equivalent employees that were employed by the employer or predecessor in the state during calendar year 2021.

(g) "Predecessor" means any entity or individual that operated a business prior to a business transfer to the employer.

(h) "Qualifying employer" means an employer with qualifying net employee growth.

(i) "Qualifying net employee growth" means:

(A) unless subsection (10)(i)(i)(B) applies, net employee growth equal to at least 10 qualifying new employees during the first year the credit is claimed and at least 15 total qualifying new employees during any subsequent calendar year;

(B) for a county with a population of 20,000 or less, net employee growth equal to at least 5 qualifying new employees during the first year the credit is claimed and at least 7 total qualifying new employees during any subsequent calendar year.

(ii) In order to qualify, the net employee growth must be associated with a project in the state that encourages, promotes, and stimulates economic development in the sectors of construction, natural resources, mining, agriculture, forestry, manufacturing, transportation, utilities, or outdoor recreation.

(j) (i) “Qualifying new employee” means an employee of a qualifying employer:

(A) who is hired in any calendar year starting with calendar year 2022 and ending in calendar year 2028;

(B) who is employed for at least 6 months during the year for which the credit is granted; and

(C) with a yearly wage of at least \$50,000, plus any benefits paid to other employees of the employer.

(ii) The term does not include an employee:

(A) previously employed by the employer or a predecessor in the preceding 12 months; or

(B) hired to replace an employee of a predecessor.

Section 2. Grow Montana jobs – annual job growth incentive tax credit. (1) Subject to the provisions of [section 1], a taxpayer is allowed an annual job growth incentive tax credit against the tax imposed by chapter 31 or this chapter for creating qualifying net employee growth in the state.

(2) The amount of the credit is equal to the number of qualifying new employees in the credit certificate multiplied by 50% of the taxpayer’s total estimated taxes imposed on the taxpayer each year for the Montana source wages paid to qualifying new employees under the Federal Insurance Contributions Act, 26 U.S.C. 3111(a) and (b).

(3) The credit allowed by this section may not be refunded if the taxpayer has a tax liability less than the amount of the credit. If the sum of credit carryovers from the credit, if any, and the amount of credit allowed by this section for the tax year exceeds the taxpayer’s tax liability for the current tax year, the excess attributable to the current tax year’s credit is a credit carryover to succeeding tax years for a period not to exceed 10 years from the tax year the credit was claimed. The entire amount of unused credit must be carried forward to the earliest of the succeeding years, and the oldest available unused credit must be used first. Any credit remaining 10 years after the tax year for which the credit is based may not be refunded or credited to the taxpayer.

(4) The credit may be claimed for up to 7 years, but only in a tax year in which the department of labor and industry approved the credit by issuing the taxpayer with a credit certificate as provided in [section 1]. If a taxpayer claims the credit but was not approved by the department of labor and industry, the taxpayer’s return will be processed without regard to the credit.

(5) For fiscal year filers, the credit available to claim in the current fiscal year is the credit allowed for the calendar year that ends within the taxpayer’s fiscal period.

(6) The department shall, after consultation with the department of labor and industry, prescribe a form for a taxpayer to claim the tax credit. The form must provide the department with sufficient information for the proper administration of the credit.

(7) The department shall provide the department of labor and industry with an annual report detailing the tax credit provided to taxpayers for the

previous year. The information provided to the department of labor and industry is subject to the provisions of 15-30-2618 and 15-31-511.

(8) A taxpayer claiming this credit may not claim the apprenticeship tax credit pursuant to sections 15-30-2357, 15-31-173, and 39-6-109 in the same tax year that this credit is claimed. This subsection does not prevent a credit carryover from this credit from being used in a tax year in which the apprenticeship tax credit is claimed.

(9) Each biennium, the department shall provide to the revenue interim committee information regarding all approvals granted and credit certificates issued, including the credits claimed, the names of the qualifying employers of the credits, and the amount of tax credits claimed. This information is not subject to the confidentiality requirements of 15-30-2618 or 15-31-511.

(10) For the purposes of this section, the terms "credit certificate", "qualifying employer", "qualifying net employee growth", and "qualifying new employee" have the same meaning as those terms are defined in [section 1].

Section 3. Grow Montana jobs – annual job growth incentive tax credit. (1) There is an annual job growth incentive tax credit against the taxes otherwise due under 15-31-121 or 15-31-122 that is allowable in the amount established pursuant to [section 2] when a taxpayer hires qualifying new employees in the state. The credit is administered as provided in [sections 1 and 2] and this section.

(2) If the credit allowed under this section is claimed by a small business corporation as defined in 15-30-3301 or a partnership, the credit must be attributed to shareholders or partners using the same proportion to report the corporation's or partnership's income or loss for Montana income tax purposes.

Section 4. Employer job growth incentive tax credit – administration. (1) An employer that hires qualifying new employees is eligible for an annual job growth incentive tax credit against income taxes imposed pursuant to Title 15, chapter 30 or 31.

(2) The amount and duration of the credit is administered by the department of revenue as provided in [sections 5 and 6].

(3) A qualifying employer seeking approval to claim a credit shall apply for a credit certificate with the department for the preceding calendar year. The application must be submitted on a form prescribed by the department on which the employer:

(a) identifies and describes the number of qualifying new employees hired;
(b) provides necessary details to calculate the net employee growth and qualifying net employee growth;

(c) provides documentation necessary to calculate the job growth incentive tax credit, including but not limited to the average yearly wage of each qualifying new employee; and

(d) submits any other information the department considers necessary for auditing purposes and to determine whether the employer qualifies for a credit certificate.

(4) After receiving an application, the department shall:

(a) provide the employer with a credit certificate, which must accompany the employer's tax return that is filed with the department of revenue; or

(b) deny an application for a credit certificate and provide the employer with the reasoning for the denial. Prior to issuing a denial, the department shall provide the employer with an opportunity to resolve deficiencies in the application.

(5) The department shall provide to the department of revenue a list of the qualifying employers approved for a credit certificate, the qualifying new employees employed by the qualifying employer, and the aggregate total of net

employee growth and qualified net employee growth for qualified employers claiming the credit. The list must include the federal tax identification number of the qualifying employer and the name and social security number or federal tax identification number of the qualifying new employees that were utilized during the issuance of a credit certificate.

(6) The identity and social security number or federal tax identification number of individuals employed by the employer are subject to the provisions of 15-30-2618 and 15-31-511.

(7) The department may audit an employer applying for a credit certificate or who has obtained a credit certificate.

(8) By November 1 of each year, the department shall multiply the minimum yearly wage in subsection (10)(j)(i)(C) by the inflation factor for the following tax year and round the product to the nearest \$10. The resulting minimum yearly wage is effective for that following tax year and must be used in calculating the minimum yearly wage.

(9) The department may adopt rules necessary to administer this section.

(10) For the purposes of this section, the following definitions apply:

(a) "Business transfer" means any change in ownership or transfer of all or a material portion of the business to another entity or individual by entity merger, combination, reorganization, asset acquisition, transfer, or other similar business transaction in which an existing business is continued under new ownership or a different entity.

(b) "Credit certificate" means a statement issued by the department to a qualifying employer that provides the number of qualifying new employees hired or retained by the qualifying employer starting with calendar year 2022 and ending in calendar year 2028.

(c) "Department" means the department of labor and industry provided for in 2-15-1701.

(d) "Employer" includes any person, entity, or fiduciary, resident or nonresident, subject to a tax or other obligation imposed by Title 15, chapters 30 and 31.

(e) "Inflation factor" means a number determined for each tax year by dividing the consumer price index as defined in 15-30-2101 for June of the previous tax year by the consumer price index for June 2021.

(f) "Net employee growth" means the difference between the total number of qualifying new employees employed by the employer in the state during any calendar year starting with calendar year 2022 and ending in calendar year 2028 and the total number of full-time equivalent employees that were employed by the employer or predecessor in the state during calendar year 2021.

(g) "Predecessor" means any entity or individual that operated a business prior to a business transfer to the employer.

(h) "Qualifying employer" means an employer with qualifying net employee growth.

(i) (i) "Qualifying net employee growth" means:

(A) unless subsection (10)(i)(i)(B) applies, net employee growth equal to at least 10 qualifying new employees during the first year the credit is claimed and at least 15 total qualifying new employees during any subsequent calendar year;

(B) for a county with a population of 20,000 or less, net employee growth equal to at least 5 qualifying new employees during the first year the credit is claimed and at least 7 total qualifying new employees during any subsequent calendar year.

(ii) In order to qualify, the net employee growth must be associated with a project in the state that encourages, promotes, and stimulates economic development in the sectors of construction, natural resources, mining, agriculture, forestry, manufacturing, transportation, utilities, or outdoor recreation.

(j) (i) “Qualifying new employee” means an employee of a qualifying employer:

(A) who is hired in any calendar year starting with calendar year 2022 and ending in calendar year 2028;

(B) who is employed for at least 6 months during the year for which the credit is granted; and

(C) with a yearly wage of at least \$50,000, plus any benefits paid to other employees of the employer.

(ii) The term does not include an employee:

(A) previously employed by the employer or a predecessor in the preceding 12 months; or

(B) hired to replace an employee of a predecessor.

Section 5. Grow Montana jobs – annual job growth incentive tax credit. (1) Subject to the provisions of [section 4], a taxpayer is allowed an annual job growth incentive tax credit against the tax imposed by chapter 31 or this chapter for creating qualifying net employee growth in the state.

(2) The amount of the credit is equal to the number of qualifying new employees in the credit certificate multiplied by 50% of the taxpayer’s total estimated taxes imposed on the taxpayer each year for the Montana source wages paid to qualifying new employees under the Federal Insurance Contributions Act, 26 U.S.C. 3111(a) and (b).

(3) The credit allowed by this section may not be refunded if the taxpayer has a tax liability less than the amount of the credit. If the sum of credit carryovers from the credit, if any, and the amount of credit allowed by this section for the tax year exceeds the taxpayer’s tax liability for the current tax year, the excess attributable to the current tax year’s credit is a credit carryover to succeeding tax years for a period not to exceed 10 years from the tax year the credit was claimed. The entire amount of unused credit must be carried forward to the earliest of the succeeding years, and the oldest available unused credit must be used first. Any credit remaining 10 years after the tax year for which the credit is based may not be refunded or credited to the taxpayer.

(4) The credit may be claimed for up to 7 years, but only in a tax year in which the department of labor and industry approved the credit by issuing the taxpayer with a credit certificate as provided in [section 4]. If a taxpayer claims the credit but was not approved by the department of labor and industry, the taxpayer’s return will be processed without regard to the credit.

(5) For fiscal year filers, the credit available to claim in the current fiscal year is the credit allowed for the calendar year that ends within the taxpayer’s fiscal period.

(6) The department shall, after consultation with the department of labor and industry, prescribe a form for a taxpayer to claim the tax credit. The form must provide the department with sufficient information for the proper administration of the credit.

(7) The department shall provide the department of labor and industry with an annual report detailing the tax credit provided to taxpayers for the previous year. The information provided to the department of labor and industry is subject to the provisions of 15-30-2618 and 15-31-511.

(8) A taxpayer claiming this credit may not claim the apprenticeship tax credit pursuant to sections 15-30-2357, 15-31-173, and 39-6-109 in the

same tax year that this credit is claimed. This subsection does not prevent a credit carryover from this credit from being used in a tax year in which the apprenticeship tax credit is claimed.

(9) Each biennium, the department shall provide to the revenue interim committee information regarding all approvals granted and credit certificates issued, including the credits claimed, the names of the qualifying employers of the credits, and the amount of tax credits claimed. This information is not subject to the confidentiality requirements of 15-30-2618 or 15-31-511.

(10) For the purposes of this section, the terms “credit certificate”, “qualifying employer”, “qualifying net employee growth”, and “qualifying new employee” have the same meaning as those terms are defined in [section 4].

Section 6. Grow Montana jobs – annual job growth incentive tax credit. (1) There is an annual job growth incentive tax credit against the taxes otherwise due under 15-31-121 or 15-31-122 that is allowable in the amount established pursuant to [section 5] when a taxpayer hires qualifying new employees in the state. The credit is administered as provided in [sections 4 and 5] and this section.

(2) If the credit allowed under this section is claimed by a small business corporation as defined in 15-30-3301 or a partnership, the credit must be attributed to shareholders or partners using the same proportion to report the corporation’s or partnership’s income or loss for Montana income tax purposes.

Section 7. Employer job growth incentive tax credit – administration. (1) An employer that hires qualifying new employees is eligible for an annual job growth incentive tax credit against income taxes imposed pursuant to Title 15, chapter 30 or 31.

(2) The amount and duration of the credit is administered by the department of revenue as provided in [sections 8 and 9].

(3) A qualifying employer seeking approval to claim a credit shall apply for a credit certificate with the department for the preceding calendar year. The application must be submitted on a form prescribed by the department on which the employer:

(a) identifies and describes the number of qualifying new employees hired;
(b) provides necessary details to calculate the net employee growth and qualifying net employee growth;

(c) provides documentation necessary to calculate the job growth incentive tax credit, including but not limited to the average yearly wage of each qualifying new employee; and

(d) submits any other information the department considers necessary for auditing purposes and to determine whether the employer qualifies for a credit certificate.

(4) After receiving an application, the department shall:

(a) provide the employer with a credit certificate, which must accompany the employer’s tax return that is filed with the department of revenue; or

(b) deny an application for a credit certificate and provide the employer with the reasoning for the denial. Prior to issuing a denial, the department shall provide the employer with an opportunity to resolve deficiencies in the application.

(5) The department shall provide to the department of revenue a list of the qualifying employers approved for a credit certificate, the qualifying new employees employed by the qualifying employer, and the aggregate total of net employee growth and qualified net employee growth for qualified employers claiming the credit. The list must include the federal tax identification number of the qualifying employer and the name and social security number or federal

tax identification number of the qualifying new employees that were utilized during the issuance of a credit certificate.

(6) The identity and social security number or federal tax identification number of individuals employed by the employer are subject to the provisions of 15-30-2618 and 15-31-511.

(7) The department may audit an employer applying for a credit certificate or who has obtained a credit certificate.

(8) By November 1 of each year, the department shall multiply the minimum yearly wage in subsection (10)(j)(i)(C) by the inflation factor for the following tax year and round the product to the nearest \$10. The resulting minimum yearly wage is effective for that following tax year and must be used in calculating the minimum yearly wage.

(9) The department may adopt rules necessary to administer this section.

(10) For the purposes of this section, the following definitions apply:

(a) "Business transfer" means any change in ownership or transfer of all or a material portion of the business to another entity or individual by entity merger, combination, reorganization, asset acquisition, transfer, or other similar business transaction in which an existing business is continued under new ownership or a different entity.

(b) "Credit certificate" means a statement issued by the department to a qualifying employer that provides the number of qualifying new employees hired or retained by the qualifying employer starting with calendar year 2022 and ending in calendar year 2028.

(c) "Department" means the department of labor and industry provided for in 2-15-1701.

(d) "Employer" includes any person, entity, or fiduciary, resident or nonresident, subject to a tax or other obligation imposed by Title 15, chapters 30 and 31.

(e) "Inflation factor" means a number determined for each tax year by dividing the consumer price index as defined in 15-30-2101 for June of the previous tax year by the consumer price index for June 2021.

(f) "Net employee growth" means the difference between the total number of qualifying new employees employed by the employer in the state during any calendar year starting with calendar year 2022 and ending in calendar year 2028 and the total number of full-time equivalent employees that were employed by the employer or predecessor in the state during calendar year 2021.

(g) "Predecessor" means any entity or individual that operated a business prior to a business transfer to the employer.

(h) "Qualifying employer" means an employer with qualifying net employee growth.

(i) (i) "Qualifying net employee growth" means:

(A) unless subsection (10)(i)(i)(B) applies, net employee growth equal to at least 10 qualifying new employees during the first year the credit is claimed and at least 15 total qualifying new employees during any subsequent calendar year;

(B) for a county with a population of 20,000 or less, net employee growth equal to at least 5 qualifying new employees during the first year the credit is claimed and at least 7 total qualifying new employees during any subsequent calendar year.

(ii) In order to qualify, the net employee growth must be associated with a project in the state that encourages, promotes, and stimulates economic development in the sectors of construction, natural resources, mining, agriculture, forestry, manufacturing, transportation, utilities, or outdoor recreation.

(j) (i) “Qualifying new employee” means an employee of a qualifying employer:

(A) who is hired in any calendar year starting with calendar year 2022 and ending in calendar year 2028;

(B) who is employed for at least 6 months during the year for which the credit is granted; and

(C) with a yearly wage of at least \$50,000, plus any benefits paid to other employees of the employer.

(ii) The term does not include an employee:

(A) previously employed by the employer or a predecessor in the preceding 12 months; or

(B) hired to replace an employee of a predecessor.

Section 8. Grow Montana jobs – annual job growth incentive tax credit. (1) Subject to the provisions of [section 7], a taxpayer is allowed an annual job growth incentive tax credit against the tax imposed by chapter 31 or this chapter for creating qualifying net employee growth in the state.

(2) The amount of the credit is equal to the number of qualifying new employees in the credit certificate multiplied by 50% of the taxpayer's total estimated taxes imposed on the taxpayer each year for the Montana source wages paid to qualifying new employees under the Federal Insurance Contributions Act, 26 U.S.C. 3111(a) and (b).

(3) The credit allowed by this section may not be refunded if the taxpayer has a tax liability less than the amount of the credit. If the sum of credit carryovers from the credit, if any, and the amount of credit allowed by this section for the tax year exceeds the taxpayer's tax liability for the current tax year, the excess attributable to the current tax year's credit is a credit carryover to succeeding tax years for a period not to exceed 10 years from the tax year the credit was claimed. The entire amount of unused credit must be carried forward to the earliest of the succeeding years, and the oldest available unused credit must be used first. Any credit remaining 10 years after the tax year for which the credit is based may not be refunded or credited to the taxpayer.

(4) The credit may be claimed for up to 7 years, but only in a tax year in which the department of labor and industry approved the credit by issuing the taxpayer with a credit certificate as provided in [section 7]. If a taxpayer claims the credit but was not approved by the department of labor and industry, the taxpayer's return will be processed without regard to the credit.

(5) For fiscal year filers, the credit available to claim in the current fiscal year is the credit allowed for the calendar year that ends within the taxpayer's fiscal period.

(6) The department shall, after consultation with the department of labor and industry, prescribe a form for a taxpayer to claim the tax credit. The form must provide the department with sufficient information for the proper administration of the credit.

(7) The department shall provide the department of labor and industry with an annual report detailing the tax credit provided to taxpayers for the previous year. The information provided to the department of labor and industry is subject to the provisions of 15-30-2618 and 15-31-511.

(8) A taxpayer claiming this credit may not claim the apprenticeship tax credit pursuant to sections 15-30-2357, 15-31-173, and 39-6-109 in the same tax year that this credit is claimed. This subsection does not prevent a credit carryover from this credit from being used in a tax year in which the apprenticeship tax credit is claimed.

(9) Each biennium, the department shall provide to the revenue interim committee information regarding all approvals granted and credit certificates

issued, including the credits claimed, the names of the qualifying employers of the credits, and the amount of tax credits claimed. This information is not subject to the confidentiality requirements of 15-30-2618 or 15-31-511.

(10) For the purposes of this section, the terms “credit certificate”, “qualifying employer”, “qualifying net employee growth”, and “qualifying new employee” have the same meaning as those terms are defined in [section 7].

Section 9. Grow Montana jobs – annual job growth incentive tax credit. (1) There is an annual job growth incentive tax credit against the taxes otherwise due under 15-31-121 or 15-31-122 that is allowable in the amount established pursuant to [section 8] when a taxpayer hires qualifying new employees in the state. The credit is administered as provided in [sections 7 and 8] and this section.

(2) If the credit allowed under this section is claimed by a small business corporation as defined in 15-30-3301 or a partnership, the credit must be attributed to shareholders or partners using the same proportion to report the corporation’s or partnership’s income or loss for Montana income tax purposes.

Section 10. Employer job growth incentive tax credit – administration. (1) An employer that hires qualifying new employees is eligible for an annual job growth incentive tax credit against income taxes imposed pursuant to Title 15, chapter 30 or 31.

(2) The amount and duration of the credit is administered by the department of revenue as provided in [sections 11 and 12].

(3) A qualifying employer seeking approval to claim a credit shall apply for a credit certificate with the department for the preceding calendar year. The application must be submitted on a form prescribed by the department on which the employer:

- (a) identifies and describes the number of qualifying new employees hired;
- (b) provides necessary details to calculate the net employee growth and qualifying net employee growth;

- (c) provides documentation necessary to calculate the job growth incentive tax credit, including but not limited to the average yearly wage of each qualifying new employee; and

- (d) submits any other information the department considers necessary for auditing purposes and to determine whether the employer qualifies for a credit certificate.

(4) After receiving an application, the department shall:

- (a) provide the employer with a credit certificate, which must accompany the employer’s tax return that is filed with the department of revenue; or

- (b) deny an application for a credit certificate and provide the employer with the reasoning for the denial. Prior to issuing a denial, the department shall provide the employer with an opportunity to resolve deficiencies in the application.

(5) The department shall provide to the department of revenue a list of the qualifying employers approved for a credit certificate, the qualifying new employees employed by the qualifying employer, and the aggregate total of net employee growth and qualified net employee growth for qualified employers claiming the credit. The list must include the federal tax identification number of the qualifying employer and the name and social security number or federal tax identification number of the qualifying new employees that were utilized during the issuance of a credit certificate.

(6) The identity and social security number or federal tax identification number of individuals employed by the employer are subject to the provisions of 15-30-2618 and 15-31-511.

(7) The department may audit an employer applying for a credit certificate or who has obtained a credit certificate.

(8) By November 1 of each year, the department shall multiply the minimum yearly wage in subsection (10)(j)(i)(C) by the inflation factor for the following tax year and round the product to the nearest \$10. The resulting minimum yearly wage is effective for that following tax year and must be used in calculating the minimum yearly wage.

(9) The department may adopt rules necessary to administer this section.

(10) For the purposes of this section, the following definitions apply:

(a) "Business transfer" means any change in ownership or transfer of all or a material portion of the business to another entity or individual by entity merger, combination, reorganization, asset acquisition, transfer, or other similar business transaction in which an existing business is continued under new ownership or a different entity.

(b) "Credit certificate" means a statement issued by the department to a qualifying employer that provides the number of qualifying new employees hired or retained by the qualifying employer starting with calendar year 2022 and ending in calendar year 2028.

(c) "Department" means the department of labor and industry provided for in 2-15-1701.

(d) "Employer" includes any person, entity, or fiduciary, resident or nonresident, subject to a tax or other obligation imposed by Title 15, chapters 30 and 31.

(e) "Inflation factor" means a number determined for each tax year by dividing the consumer price index as defined in 15-30-2101 for June of the previous tax year by the consumer price index for June 2021.

(f) "Net employee growth" means the difference between the total number of qualifying new employees employed by the employer in the state during any calendar year starting with calendar year 2022 and ending in calendar year 2028 and the total number of full-time equivalent employees that were employed by the employer or predecessor in the state during calendar year 2021.

(g) "Predecessor" means any entity or individual that operated a business prior to a business transfer to the employer.

(h) "Qualifying employer" means an employer with qualifying net employee growth.

(i) (i) "Qualifying net employee growth" means:

(A) unless subsection (10)(i)(i)(B) applies, net employee growth equal to at least 10 qualifying new employees during the first year the credit is claimed and at least 15 total qualifying new employees during any subsequent calendar year;

(B) for a county with a population of 20,000 or less, net employee growth equal to at least 5 qualifying new employees during the first year the credit is claimed and at least 7 total qualifying new employees during any subsequent calendar year.

(ii) In order to qualify, the net employee growth must be associated with a project in the state that encourages, promotes, and stimulates economic development in the sectors of construction, natural resources, mining, agriculture, forestry, manufacturing, transportation, utilities, or outdoor recreation.

(j) (i) "Qualifying new employee" means an employee of a qualifying employer:

(A) who is hired in any calendar year starting with calendar year 2022 and ending in calendar year 2028;

(B) who is employed for at least 6 months during the year for which the credit is granted; and

(C) with a yearly wage of at least \$50,000, plus any benefits paid to other employees of the employer.

(ii) The term does not include an employee:

(A) previously employed by the employer or a predecessor in the preceding 12 months; or

(B) hired to replace an employee of a predecessor.

Section 11. Grow Montana jobs -- annual job growth incentive tax credit. (1) Subject to the provisions of [section 10], a taxpayer is allowed an annual job growth incentive tax credit against the tax imposed by chapter 31 or this chapter for creating qualifying net employee growth in the state.

(2) The amount of the credit is equal to the number of qualifying new employees in the credit certificate multiplied by 50% of the taxpayer's total estimated taxes imposed on the taxpayer each year for the Montana source wages paid to qualifying new employees under the Federal Insurance Contributions Act, 26 U.S.C. 3111(a) and (b).

(3) The credit allowed by this section may not be refunded if the taxpayer has a tax liability less than the amount of the credit. If the sum of credit carryovers from the credit, if any, and the amount of credit allowed by this section for the tax year exceeds the taxpayer's tax liability for the current tax year, the excess attributable to the current tax year's credit is a credit carryover to succeeding tax years for a period not to exceed 10 years from the tax year the credit was claimed. The entire amount of unused credit must be carried forward to the earliest of the succeeding years, and the oldest available unused credit must be used first. Any credit remaining 10 years after the tax year for which the credit is based may not be refunded or credited to the taxpayer.

(4) The credit may be claimed for up to 7 years, but only in a tax year in which the department of labor and industry approved the credit by issuing the taxpayer with a credit certificate as provided in [section 10]. If a taxpayer claims the credit but was not approved by the department of labor and industry, the taxpayer's return will be processed without regard to the credit.

(5) For fiscal year filers, the credit available to claim in the current fiscal year is the credit allowed for the calendar year that ends within the taxpayer's fiscal period.

(6) The department shall, after consultation with the department of labor and industry, prescribe a form for a taxpayer to claim the tax credit. The form must provide the department with sufficient information for the proper administration of the credit.

(7) The department shall provide the department of labor and industry with an annual report detailing the tax credit provided to taxpayers for the previous year. The information provided to the department of labor and industry is subject to the provisions of 15-30-2618 and 15-31-511.

(8) A taxpayer claiming this credit may not claim the apprenticeship tax credit pursuant to sections 15-30-2357, 15-31-173, and 39-6-109 in the same tax year that this credit is claimed. This subsection does not prevent a credit carryover from this credit from being used in a tax year in which the apprenticeship tax credit is claimed.

(9) Each biennium, the department shall provide to the revenue interim committee information regarding all approvals granted and credit certificates issued, including the credits claimed, the names of the qualifying employers of the credits, and the amount of tax credits claimed. This information is not subject to the confidentiality requirements of 15-30-2618 or 15-31-511.

(10) For the purposes of this section, the terms “credit certificate”, “qualifying employer”, “qualifying net employee growth”, and “qualifying new employee” have the same meaning as those terms are defined in [section 10].

Section 12. Grow Montana jobs -- annual job growth incentive tax credit. (1) There is an annual job growth incentive tax credit against the taxes otherwise due under 15-31-121 or 15-31-122 that is allowable in the amount established pursuant to [section 11] when a taxpayer hires qualifying new employees in the state. The credit is administered as provided in [sections 10 and 11] and this section.

(2) If the credit allowed under this section is claimed by a small business corporation as defined in 15-30-3301 or a partnership, the credit must be attributed to shareholders or partners using the same proportion to report the corporation's or partnership's income or loss for Montana income tax purposes.

Section 13. Employer job growth incentive tax credit -- administration. (1) An employer that hires qualifying new employees is eligible for an annual job growth incentive tax credit against income taxes imposed pursuant to Title 15, chapter 30 or 31.

(2) The amount and duration of the credit is administered by the department of revenue as provided in [sections 14 and 15].

(3) A qualifying employer seeking approval to claim a credit shall apply for a credit certificate with the department for the preceding calendar year. The application must be submitted on a form prescribed by the department on which the employer:

- (a) identifies and describes the number of qualifying new employees hired;
- (b) provides necessary details to calculate the net employee growth and qualifying net employee growth;

- (c) provides documentation necessary to calculate the job growth incentive tax credit, including but not limited to the average yearly wage of each qualifying new employee; and

- (d) submits any other information the department considers necessary for auditing purposes and to determine whether the employer qualifies for a credit certificate.

(4) After receiving an application, the department shall:

- (a) provide the employer with a credit certificate, which must accompany the employer's tax return that is filed with the department of revenue; or

- (b) deny an application for a credit certificate and provide the employer with the reasoning for the denial. Prior to issuing a denial, the department shall provide the employer with an opportunity to resolve deficiencies in the application.

(5) The department shall provide to the department of revenue a list of the qualifying employers approved for a credit certificate, the qualifying new employees employed by the qualifying employer, and the aggregate total of net employee growth and qualified net employee growth for qualified employers claiming the credit. The list must include the federal tax identification number of the qualifying employer and the name and social security number or federal tax identification number of the qualifying new employees that were utilized during the issuance of a credit certificate.

(6) The identity and social security number or federal tax identification number of individuals employed by the employer are subject to the provisions of 15-30-2618 and 15-31-511.

(7) The department may audit an employer applying for a credit certificate or who has obtained a credit certificate.

(8) By November 1 of each year, the department shall multiply the minimum yearly wage in subsection (10)(j)(i)(C) by the inflation factor for the

following tax year and round the product to the nearest \$10. The resulting minimum yearly wage is effective for that following tax year and must be used in calculating the minimum yearly wage.

(9) The department may adopt rules necessary to administer this section.

(10) For the purposes of this section, the following definitions apply:

(a) "Business transfer" means any change in ownership or transfer of all or a material portion of the business to another entity or individual by entity merger, combination, reorganization, asset acquisition, transfer, or other similar business transaction in which an existing business is continued under new ownership or a different entity.

(b) "Credit certificate" means a statement issued by the department to a qualifying employer that provides the number of qualifying new employees hired or retained by the qualifying employer starting with calendar year 2022 and ending in calendar year 2028.

(c) "Department" means the department of labor and industry provided for in 2-15-1701.

(d) "Employer" includes any person, entity, or fiduciary, resident or nonresident, subject to a tax or other obligation imposed by Title 15, chapters 30 and 31.

(e) "Inflation factor" means a number determined for each tax year by dividing the consumer price index as defined in 15-30-2101 for June of the previous tax year by the consumer price index for June 2021.

(f) "Net employee growth" means the difference between the total number of qualifying new employees employed by the employer in the state during any calendar year starting with calendar year 2022 and ending in calendar year 2028 and the total number of full-time equivalent employees that were employed by the employer or predecessor in the state during calendar year 2021.

(g) "Predecessor" means any entity or individual that operated a business prior to a business transfer to the employer.

(h) "Qualifying employer" means an employer with qualifying net employee growth.

(i) (i) "Qualifying net employee growth" means:

(A) unless subsection (10)(i)(B) applies, net employee growth equal to at least 10 qualifying new employees during the first year the credit is claimed and at least 15 total qualifying new employees during any subsequent calendar year;

(B) for a county with a population of 20,000 or less, net employee growth equal to at least 5 qualifying new employees during the first year the credit is claimed and at least 7 total qualifying new employees during any subsequent calendar year.

(ii) In order to qualify, the net employee growth must be associated with a project in the state that encourages, promotes, and stimulates economic development in the sectors of construction, natural resources, mining, agriculture, forestry, manufacturing, transportation, utilities, or outdoor recreation.

(j) (i) "Qualifying new employee" means an employee of a qualifying employer:

(A) who is hired in any calendar year starting with calendar year 2022 and ending in calendar year 2028;

(B) who is employed for at least 6 months during the year for which the credit is granted; and

(C) with a yearly wage of at least \$50,000, plus any benefits paid to other employees of the employer.

- (ii) The term does not include an employee:
 - (A) previously employed by the employer or a predecessor in the preceding 12 months; or
 - (B) hired to replace an employee of a predecessor.

Section 14. Grow Montana jobs – annual job growth incentive tax credit. (1) Subject to the provisions of [section 13], a taxpayer is allowed an annual job growth incentive tax credit against the tax imposed by chapter 31 or this chapter for creating qualifying net employee growth in the state.

(2) The amount of the credit is equal to the number of qualifying new employees in the credit certificate multiplied by 50% of the taxpayer's total estimated taxes imposed on the taxpayer each year for the Montana source wages paid to qualifying new employees under the Federal Insurance Contributions Act, 26 U.S.C. 3111(a) and (b).

(3) The credit allowed by this section may not be refunded if the taxpayer has a tax liability less than the amount of the credit. If the sum of credit carryovers from the credit, if any, and the amount of credit allowed by this section for the tax year exceeds the taxpayer's tax liability for the current tax year, the excess attributable to the current tax year's credit is a credit carryover to succeeding tax years for a period not to exceed 10 years from the tax year the credit was claimed. The entire amount of unused credit must be carried forward to the earliest of the succeeding years, and the oldest available unused credit must be used first. Any credit remaining 10 years after the tax year for which the credit is based may not be refunded or credited to the taxpayer.

(4) The credit may be claimed for up to 7 years, but only in a tax year in which the department of labor and industry approved the credit by issuing the taxpayer with a credit certificate as provided in [section 10]. If a taxpayer claims the credit but was not approved by the department of labor and industry, the taxpayer's return will be processed without regard to the credit.

(5) For fiscal year filers, the credit available to claim in the current fiscal year is the credit allowed for the calendar year that ends within the taxpayer's fiscal period.

(6) The department shall, after consultation with the department of labor and industry, prescribe a form for a taxpayer to claim the tax credit. The form must provide the department with sufficient information for the proper administration of the credit.

(7) The department shall provide the department of labor and industry with an annual report detailing the tax credit provided to taxpayers for the previous year. The information provided to the department of labor and industry is subject to the provisions of 15-30-2618 and 15-31-511.

(8) A taxpayer claiming this credit may not claim the apprenticeship tax credit pursuant to sections 15-30-2357, 15-31-173, and 39-6-109 in the same tax year that this credit is claimed. This subsection does not prevent a credit carryover from this credit from being used in a tax year in which the apprenticeship tax credit is claimed.

(9) Each biennium, the department shall provide to the revenue interim committee information regarding all approvals granted and credit certificates issued, including the credits claimed, the names of the qualifying employers of the credits, and the amount of tax credits claimed. This information is not subject to the confidentiality requirements of 15-30-2618 or 15-31-511.

(10) For the purposes of this section, the terms "credit certificate", "qualifying employer", "qualifying net employee growth", and "qualifying new employee" have the same meaning as those terms are defined in [section 13].

Section 15. Grow Montana jobs – annual job growth incentive tax credit. (1) There is an annual job growth incentive tax credit against the taxes

otherwise due under 15-31-121 or 15-31-122 that is allowable in the amount established pursuant to [section 14] when a taxpayer hires qualifying new employees in the state. The credit is administered as provided in [sections 13 and 14] and this section.

(2) If the credit allowed under this section is claimed by a small business corporation as defined in 15-30-3301 or a partnership, the credit must be attributed to shareholders or partners using the same proportion to report the corporation's or partnership's income or loss for Montana income tax purposes.

Section 16. Section 15-30-2303, MCA, is amended to read:

"15-30-2303. Tax credits subject to review by interim committee.

(1) The following tax credits must be reviewed during the biennium commencing July 1, 2019:

(a) the credit for income taxes imposed by foreign states or countries provided for in 15-30-2302;

(b) the credit for contractor's gross receipts provided for in 15-50-207;

(c) the credit for new or expanded manufacturing provided for in 15-31-124 through 15-31-127;

(d) the credit for installing an alternative energy system provided for in 15-32-201 through 15-32-203;

(e) the credit for energy-conserving expenditures provided for in 15-30-2319 and 15-32-109; and

(f) the credit for elderly homeowners and renters provided for in 15-30-2337 through 15-30-2341.

(2) The following tax credits must be reviewed during the biennium commencing July 1, 2021:

(a) the credit for commercial or net metering system investment provided for in Title 15, chapter 32, part 4;

(b) the credit for qualified elderly care expenses provided for in 15-30-2366;

(c) the credit for dependent care assistance and referral services provided for in 15-30-2373 and 15-31-131;

(d) the credit for contributions to a university or college foundation or endowment provided for in 15-30-2326, 15-31-135, and 15-31-136;

(e) the credit for donations to an educational improvement account provided for in 15-30-2334, 15-30-3110, and 15-31-158; and

(f) the credit for donations to a student scholarship organization provided for in 15-30-2335, 15-30-3111, and 15-31-159.

(3) The following tax credits must be reviewed during the biennium commencing July 1, 2023:

(a) the credit for providing disability insurance for employees provided for in 15-30-2367 and 15-31-132;

(b) the credit for installation of a geothermal system provided for in 15-32-115;

(c) the credit for property to recycle or manufacture using recycled material provided for in Title 15, chapter 32, part 6;

(d) the credit for converting a motor vehicle to alternative fuel provided for in 15-30-2320 and 15-31-137;

(e) the credit for infrastructure use fees provided for in 17-6-316; and

(f) the credit for contributions to a qualified endowment provided for in 15-30-2327 through 15-30-2329, 15-31-161, and 15-31-162.

(4) The following tax credits must be reviewed during the biennium commencing July 1, 2025:

(a) the credit for preservation of historic buildings provided for in 15-30-2342 and 15-31-151;

(b) the credit for mineral or coal exploration provided for in Title 15, chapter 32, part 5;

(c) the credit for capital gains provided for in 15-30-2301;

(d) the credit for a new employee in an empowerment zone provided for in 15-30-2356 and 15-31-134;

(e) the credit for an oilseed crush facility provided for in 15-32-701; **and**

(f) the credit for unlocking state lands provided for in 15-30-2380; **and**

(g) *the job growth incentive tax credit provided for in [sections 2, 3, 5, 6, 8, 9, 11, 12, 14, and 15].*

(5) The following tax credits must be reviewed during the biennium commencing July 1, 2027:

(a) the biodiesel or biolubricant production facility credit provided for in 15-32-702;

(b) the biodiesel blending and storage credit provided for in 15-32-703;

(c) the adoption tax credit provided for in 15-30-2364;

(d) the credit for providing temporary emergency lodging provided for in 15-30-2381 and 15-31-171;

(e) the credit for hiring a registered apprentice or veteran apprentice provided for in 15-30-2357 and 15-31-173;

(f) the earned income tax credit provided for in 15-30-2318; **and**

(g) the media production and postproduction credits provided for in 15-31-1007 and 15-31-1009.

(6) The revenue interim committee shall review the tax credits scheduled for review in the biennium of the next regular legislative session, including any individual or corporate income tax credits with an expiration or termination date that are not listed in this section, and make recommendations to the legislature about whether to eliminate or revise the credits. The legislature may extend the review dates by amending this section. The revenue interim committee shall review the credits using the following criteria:

(a) whether the credit changes taxpayer decisions, including whether the credit rewards decisions that may have been made regardless of the existence of the tax credit;

(b) to what extent the credit benefits some taxpayers at the expense of other taxpayers;

(c) whether the credit has out-of-state beneficiaries;

(d) the timing of costs and benefits of the credit and how long the credit is effective;

(e) any adverse impacts of the credit or its elimination and whether the benefits of continuance or elimination outweigh adverse impacts; **and**

(f) the extent to which benefits of the credit affect the larger economy.”

Section 17. Section 15-30-2357, MCA, is amended to read:

“15-30-2357. Tax credit for hiring registered apprentice or veteran apprentice. (1) Subject to the provisions of *[sections 2(8), 5(8), 8(8), 11(8), and 14(8)]* and 39-6-109, a taxpayer is allowed a credit against the tax imposed by chapter 31 or this chapter for employing a registered apprentice or registered veteran apprentice who works in Montana.

(2) The credit may not exceed the taxpayer’s tax liability and may not be carried forward or carried back.

(3) The credit may be claimed only in the tax year in which the department of labor and industry approved the credit as provided in 39-6-109(4). If a taxpayer claims the credit but was not approved by the department of labor and industry, the taxpayer’s return must be processed without regard to the credit.

(4) For fiscal year filers, the credit available to claim in the current fiscal year is the credit allowed for the calendar year that ends within the taxpayer's fiscal period.

(5) Subject to the probationary period provided for in 39-6-109, if an employer employs an apprentice for less than the full preceding calendar year, the employer may apply for the full credit for the year in which the apprentice was employed.

(6) The department shall, after consultation with the department of labor and industry, prescribe a form for a taxpayer to claim the tax credit. The form must provide the department with sufficient information for the proper administration of the credit.

(7) The department shall provide the department of labor and industry an annual report detailing the tax credit provided to employers for the previous year. The information provided to the department of labor and industry is subject to the provisions of 15-30-2618 and 15-31-511.

(8) The department may adopt rules, prepare forms, and maintain records that are necessary to implement this credit."

Section 18. Section 15-30-2618, MCA, is amended to read:

"15-30-2618. (Temporary) Confidentiality of tax records. (1) Except as provided in 5-12-303, 15-1-106, 17-7-111, and subsections (7) through (9) of this section, in accordance with a proper judicial order, or as otherwise provided by law, it is unlawful to divulge or make known in any manner:

(a) the amount of income or any particulars set forth or disclosed in any individual report or individual return required under this chapter or any other information secured in the administration of this chapter; or

(b) any federal return or federal return information disclosed on any return or report required by rule of the department or under this chapter.

(2) (a) The officers charged with the custody of the reports and returns may not be required to produce them or evidence of anything contained in them in an action or proceeding in a court, except in an action or proceeding:

(i) to which the department is a party under the provisions of this chapter or any other taxing act; or

(ii) on behalf of a party to any action or proceedings under the provisions of this chapter or other taxes when the reports or facts shown by the reports are directly involved in the action or proceedings.

(b) The court may require the production of and may admit in evidence only as much of the reports or of the facts shown by the reports as are pertinent to the action or proceedings.

(3) This section does not prohibit:

(a) the delivery to a taxpayer or the taxpayer's authorized representative of a certified copy of any return or report filed in connection with the taxpayer's tax;

(b) the publication of statistics classified to prevent the identification of particular reports or returns and the items of particular reports or returns; or

(c) the inspection by the attorney general or other legal representative of the state of the report or return of any taxpayer who brings an action to set aside or review the tax based on the report or return or against whom an action or proceeding has been instituted in accordance with the provisions of 15-30-2630; or

(d) the delivery of information to the revenue interim committee relating to the annual job growth incentive tax credit as provided in [sections 2, 5, 8, 11, and 14].

(4) The department may deliver to a taxpayer's spouse the taxpayer's return or information related to the return for a tax year if the spouse and the

taxpayer filed the return with the filing status of married filing separately on the same return. The information being provided to the spouse or reported on the return, including subsequent adjustments or amendments to the return, must be treated in the same manner as if the spouse and the taxpayer filed the return using a joint filing status for that tax year.

(5) Reports and returns must be preserved for at least 3 years and may be preserved until the department orders them to be destroyed.

(6) Any offense against subsections (1) through (5) is punishable by a fine not exceeding \$500. If the offender is an officer or employee of the state, the offender must be dismissed from office or employment and may not hold any public office or public employment in this state for a period of 1 year after dismissal or, in the case of a former officer or employee, for 1 year after conviction.

(7) This section may not be construed to prohibit the department from providing taxpayer return information and information from employers' payroll withholding reports to:

(a) the department of labor and industry to be used for the purpose of investigation and prevention of noncompliance, tax evasion, fraud, and abuse under the unemployment insurance laws;

(b) the state fund to be used for the purpose of investigation and prevention of noncompliance, fraud, and abuse under the workers' compensation program; or

(c) the department of public health and human services to verify, as required under 53-6-133, the income reported by applicants for medical assistance.

(8) The department may permit the commissioner of internal revenue of the United States or the proper officer of any state imposing a tax on the incomes of individuals or the authorized representative of either officer to inspect the return of income of any individual or may furnish to the officer or an authorized representative an abstract of the return of income of any individual or supply the officer with information concerning an item of income contained in a return or disclosed by the report of an investigation of the income or return of income of an individual, but the permission may be granted or information furnished only if the statutes of the United States or of the other state grant substantially similar privileges to the proper officer of this state charged with the administration of this chapter.

(9) On written request to the director or a designee of the director, the department shall furnish:

(a) to the department of justice all information necessary to identify those persons qualifying for the additional exemption for blindness pursuant to 15-30-2114(4), for the purpose of enabling the department of justice to administer the provisions of 61-5-105;

(b) to the department of public health and human services information acquired under 15-30-2616, pertaining to an applicant for public assistance, reasonably necessary for the prevention and detection of public assistance fraud and abuse, provided notice to the applicant has been given;

(c) to the department of labor and industry *for the purpose of:*

(i) ~~for the purpose of~~ prevention and detection of fraud and abuse in and eligibility for benefits under the unemployment compensation and workers' compensation programs, information on whether a taxpayer who is the subject of an ongoing investigation by the department of labor and industry is an employee, an independent contractor, or self-employed; ~~and~~

(ii) ~~for the purpose of~~ administering the apprenticeship tax credit provided for in 39-6-109, employer and apprentice information necessary to implement 15-30-2357, 15-31-173, and 39-6-109; *and*

(iii) *administering the annual job growth incentive tax credit provided for in [sections 1, 4, 7, 10, and 13], taxpayer and employee information necessary to implement [sections 2, 3, 5, 6, 8, 9, 11, 12, 14, and 15];*

(d) to the department of fish, wildlife, and parks specific information that is available from income tax returns and required under 87-2-102 to establish the residency requirements of an applicant for hunting and fishing licenses;

(e) to the board of regents information required under 20-26-1111;

(f) to the legislative fiscal analyst and the office of budget and program planning individual income tax information as provided in 5-12-303, 15-1-106, and 17-7-111. The information provided to the office of budget and program planning must be the same as the information provided to the legislative fiscal analyst.

(g) to the department of transportation farm income information based on the most recent income tax return filed by an applicant applying for a refund under 15-70-430, provided that notice to the applicant has been given as provided in 15-70-430. The information obtained by the department of transportation is subject to the same restrictions on disclosure as are individual income tax returns.

(h) to the department of commerce tax information about a taxpayer whose debt is assigned to the department of revenue for offset or collection pursuant to the terms of Title 17, chapter 4, part 1. The information provided to the department of commerce must be used for the purposes of preventing and detecting fraud or abuse and determining eligibility for grants or loans.

(i) to the superintendent of public instruction information required under 20-9-905. (Terminates June 30, 2025, on occurrence of contingency--sec. 48, Ch. 415, L. 2019; subsection (9)(i) terminates December 31, 2023--sec. 33, Ch. 457, L. 2015.)

15-30-2618. (Effective July 1, 2025, on occurrence of contingency)

Confidentiality of tax records. (1) Except as provided in 5-12-303, 15-1-106, 17-7-111, and subsections (8) and (9) of this section, in accordance with a proper judicial order, or as otherwise provided by law, it is unlawful to divulge or make known in any manner:

(a) the amount of income or any particulars set forth or disclosed in any individual report or individual return required under this chapter or any other information secured in the administration of this chapter; or

(b) any federal return or federal return information disclosed on any return or report required by rule of the department or under this chapter.

(2) (a) The officers charged with the custody of the reports and returns may not be required to produce them or evidence of anything contained in them in an action or proceeding in a court, except in an action or proceeding:

(i) to which the department is a party under the provisions of this chapter or any other taxing act; or

(ii) on behalf of a party to any action or proceedings under the provisions of this chapter or other taxes when the reports or facts shown by the reports are directly involved in the action or proceedings.

(b) The court may require the production of and may admit in evidence only as much of the reports or of the facts shown by the reports as are pertinent to the action or proceedings.

(3) This section does not prohibit:

(a) the delivery to a taxpayer or the taxpayer's authorized representative of a certified copy of any return or report filed in connection with the taxpayer's tax;

(b) the publication of statistics classified to prevent the identification of particular reports or returns and the items of particular reports or returns; or

(c) the inspection by the attorney general or other legal representative of the state of the report or return of any taxpayer who brings an action to set aside or review the tax based on the report or return or against whom an action or proceeding has been instituted in accordance with the provisions of 15-30-2630; or

(d) *the delivery of information to the revenue interim committee relating to the annual job growth incentive tax credit as provided in [sections 2, 5, 8, 11, and 14].*

(4) The department may deliver to a taxpayer's spouse the taxpayer's return or information related to the return for a tax year if the spouse and the taxpayer filed the return with the filing status of married filing separately on the same return. The information being provided to the spouse or reported on the return, including subsequent adjustments or amendments to the return, must be treated in the same manner as if the spouse and the taxpayer filed the return using a joint filing status for that tax year.

(5) Reports and returns must be preserved for at least 3 years and may be preserved until the department orders them to be destroyed.

(6) Any offense against subsections (1) through (5) is punishable by a fine not exceeding \$500. If the offender is an officer or employee of the state, the offender must be dismissed from office or employment and may not hold any public office or public employment in this state for a period of 1 year after dismissal or, in the case of a former officer or employee, for 1 year after conviction.

(7) This section may not be construed to prohibit the department from providing taxpayer return information and information from employers' payroll withholding reports to:

(a) the department of labor and industry to be used for the purpose of investigation and prevention of noncompliance, tax evasion, fraud, and abuse under the unemployment insurance laws; or

(b) the state fund to be used for the purpose of investigation and prevention of noncompliance, fraud, and abuse under the workers' compensation program.

(8) The department may permit the commissioner of internal revenue of the United States or the proper officer of any state imposing a tax on the incomes of individuals or the authorized representative of either officer to inspect the return of income of any individual or may furnish to the officer or an authorized representative an abstract of the return of income of any individual or supply the officer with information concerning an item of income contained in a return or disclosed by the report of an investigation of the income or return of income of an individual, but the permission may be granted or information furnished only if the statutes of the United States or of the other state grant substantially similar privileges to the proper officer of this state charged with the administration of this chapter.

(9) On written request to the director or a designee of the director, the department shall furnish:

(a) to the department of justice all information necessary to identify those persons qualifying for the additional exemption for blindness pursuant to 15-30-2114(4), for the purpose of enabling the department of justice to administer the provisions of 61-5-105;

(b) to the department of public health and human services information acquired under 15-30-2616, pertaining to an applicant for public assistance, reasonably necessary for the prevention and detection of public assistance fraud and abuse, provided notice to the applicant has been given;

(c) to the department of labor and industry *for the purpose of:*

(i) ~~for the purpose of~~ prevention and detection of fraud and abuse in and eligibility for benefits under the unemployment compensation and workers' compensation programs, information on whether a taxpayer who is the subject of an ongoing investigation by the department of labor and industry is an employee, an independent contractor, or self-employed; ~~and~~

(ii) ~~for the purpose of~~ administering the apprenticeship tax credit provided for in 39-6-109, employer and apprentice information necessary to implement 15-30-2357, 15-31-173, and 39-6-109; *and*

(iii) *administering the annual job growth incentive tax credit provided for in [sections 1, 4, 7, 10, and 13], taxpayer and employee information necessary to implement [sections 2, 3, 5, 6, 8, 9, 11, 12, 14, and 15];*

(d) to the department of fish, wildlife, and parks specific information that is available from income tax returns and required under 87-2-102 to establish the residency requirements of an applicant for hunting and fishing licenses;

(e) to the board of regents information required under 20-26-1111;

(f) to the legislative fiscal analyst and the office of budget and program planning individual income tax information as provided in 5-12-303, 15-1-106, and 17-7-111. The information provided to the office of budget and program planning must be the same as the information provided to the legislative fiscal analyst.

(g) to the department of transportation farm income information based on the most recent income tax return filed by an applicant applying for a refund under 15-70-430, provided that notice to the applicant has been given as provided in 15-70-430. The information obtained by the department of transportation is subject to the same restrictions on disclosure as are individual income tax returns.

(h) to the department of commerce tax information about a taxpayer whose debt is assigned to the department of revenue for offset or collection pursuant to the terms of Title 17, chapter 4, part 1. The information provided to the department of commerce must be used for the purposes of preventing and detecting fraud or abuse and determining eligibility for grants or loans.

(i) to the superintendent of public instruction information required under 20-9-905. (Subsection (9)(i) terminates December 31, 2023--sec. 33, Ch. 457, L. 2015.)"

Section 19. Section 15-31-511, MCA, is amended to read:

"15-31-511. Confidentiality of tax records. (1) Except as provided in this section, in accordance with a proper judicial order, or as otherwise provided by law, it is unlawful to divulge or make known in any manner:

(a) the amount of income or any particulars set forth or disclosed in any return or report required under this chapter or any other information relating to taxation secured in the administration of this chapter; or

(b) any federal return or information in or disclosed on a federal return or report required by law or rule of the department under this chapter.

(2) (a) An officer or employee charged with custody of returns and reports required by this chapter may not be ordered to produce any of them or evidence of anything contained in them in any administrative proceeding or action or proceeding in any court, except:

(i) in an action or proceeding in which the department is a party under the provisions of this chapter; or

(ii) in any other tax proceeding or on behalf of a party to an action or proceeding under the provisions of this chapter when the returns or reports or facts shown in them are directly pertinent to the action or proceeding.

(b) If the production of a return, report, or information contained in them is ordered, the court shall limit production of and the admission of returns, reports, or facts shown in them to the matters directly pertinent to the action or proceeding.

(3) This section does not prohibit:

(a) the delivery of a certified copy of any return or report filed in connection with a return to the taxpayer who filed the return or report or to the taxpayer's authorized representative;

(b) the publication of statistics prepared in a manner that prevents the identification of particular returns, reports, or items from returns or reports;

(c) the inspection of returns and reports by the attorney general or other legal representative of the state in the course of an administrative proceeding or litigation under this chapter;

(d) access to information under subsection (4);

(e) *the delivery of information to the revenue interim committee relating to the annual job growth incentive tax credit as provided in [sections 2, 5, 8, 11, and 14]; or*

(f) the director of revenue from permitting a representative of the commissioner of internal revenue of the United States or a representative of a proper officer of any state imposing a tax on the income of a taxpayer to inspect the returns or reports of a corporation. The department may also furnish those persons abstracts of income, returns, and reports; information concerning any item in a return or report; and any item disclosed by an investigation of the income or return of a corporation. The director of revenue may not furnish that information to a person representing the United States or another state unless the United States or the other state grants substantially similar privileges to an officer of this state charged with the administration of this chapter.

(4) On written request to the director or a designee of the director, the department shall:

(a) allow the inspection of returns and reports by the legislative auditor, but the information furnished to the legislative auditor is subject to the same restrictions on disclosure outside that office as provided in subsection (1);

(b) provide corporate income tax and alternative corporate income tax information, including any information that may be required under Title 15, chapter 30, part 33, to the legislative fiscal analyst, as provided in 5-12-303 or 15-1-106, and the office of budget and program planning, as provided in 15-1-106 or 17-7-111. The information furnished to the legislative fiscal analyst and the office of budget and program planning is subject to the same restrictions on disclosure outside those offices as provided in subsection (1).

(c) provide to the department of commerce tax information about a taxpayer whose debt is assigned to the department of revenue for offset or collection pursuant to the terms of Title 17, chapter 4, part 1. The information provided to the department of commerce must be used for the purposes of preventing and detecting fraud or abuse and determining eligibility for grants or loans.

(d) furnish to the superintendent of public instruction information required under 20-9-905;

(e) exchange with the department of labor and industry:

(i) taxpayer and apprentice information necessary to implement 15-30-2357, 15-31-173, and 39-6-109; and

(ii) *taxpayer and employee information necessary to administer the annual job growth incentive tax credit provided for in [sections 1 through 15]; and*

(f) provide the department of public health and human services with the information necessary to verify, as required under 53-6-133, the income reported by an applicant for medical assistance.

(5) A person convicted of violating this section shall be fined not to exceed \$500. If a public officer or public employee is convicted of violating this section, the person is dismissed from office or employment and may not hold any public office or public employment in the state for a period of 1 year after dismissal or, in the case of a former officer or employee, for 1 year after conviction. (Subsection (4)(d) terminates December 31, 2023--sec. 33, Ch. 457, L. 2015; subsection (4)(f) terminates June 30, 2025, on occurrence of contingency--sec. 48, Ch. 415, L. 2019.)”

Section 20. Appropriation. (1) There is appropriated \$353,000 from the general fund to the department of revenue for the fiscal year beginning July 1, 2021, for the purposes of complying with [this act].

(2) There is appropriated \$271,895 from the general fund to the department of revenue for the fiscal year beginning July 1, 2022, for the purposes of complying with [this act].

Section 21. Codification instruction. (1) [Sections 1, 4, 7, 10, and 13] are intended to be codified as an integral part of Title 39, and the provisions of Title 39 apply to [sections 1, 4, 7, 10, and 13].

(2) [Sections 2, 5, 8, 11, and 14] are intended to be codified as an integral part of Title 15, chapter 30, and the provisions of Title 15, chapter 30, apply to [sections 2, 5, 8, 11, and 14].

(3) [Sections 3, 6, 9, 12, and 15] are intended to be codified as an integral part of Title 15, chapter 31, and the provisions of Title 15, chapter 31, apply to [sections 3, 6, 9, 12, and 15].

Section 22. Severability. If a part of [this act] is invalid, all valid parts that are severable from the invalid part remain in effect. If a part of [this act] is invalid in one or more of its applications, the part remains in effect in all valid applications that are severable from the invalid applications.

Section 23. Effective dates – applicability. (1) Except as provided in subsections (2) through (6), [this act] is effective July 1, 2021.

(2) [Sections 1 through 3] are effective October 1, 2021, and apply to the income tax year beginning after December 31, 2021.

(3) [Sections 4 through 6] are effective October 1, 2022, and apply to the income tax year beginning after December 31, 2022.

(4) [Sections 7 through 9] are effective October 1, 2023, and apply to the income tax year beginning after December 31, 2023.

(5) [Sections 10 through 12] are effective October 1, 2024, and apply to the income tax year beginning after December 31, 2024.

(6) [Sections 13 through 15] are effective October 1, 2025, and apply to income tax years beginning after December 31, 2025.

Section 24. Termination. (1) Except as provided in subsections (2) through (6), [this act] terminates December 31, 2028.

(2) [Sections 1 through 3] terminate December 31, 2022.

(3) [Sections 4 through 6] terminate December 31, 2023.

(4) [Sections 7 through 9] terminate December 31, 2024.

(5) [Sections 10 through 12] terminate December 31, 2025.

(6) [Section 25] terminates January 1, 2025.

Section 25. Contingent termination – legislative intent – specific findings – report to legislative finance committee. (1) The legislature intends to provide the tax relief provided by [this act] while also preventing the loss of federal funds that are available to the state as part of the recently enacted American Rescue Plan Act, Public Law 117-2. The contingent

termination provisions in subsections (2) through (5) are limited to the duration of time established by each subsection and are necessary based on the lack of information available to the legislature from the federal government at the time of enactment of [this act].

(2) [Sections 1 through 3] terminate on the date that the budget director provides the certification provided for in subsection (7). In order to be effective, the certification must be made in calendar year 2021.

(3) [Sections 4 through 6] terminate on the date that the budget director provides the certification provided for in subsection (7). In order to be effective, the certification must be made between October 1, 2022, and December 31, 2022.

(4) [Sections 7 through 9] terminate on the date that the budget director provides the certification provided for in subsection (7). In order to be effective, the certification must be made between October 1, 2023, and December 31, 2023.

(5) [Sections 10 through 12] terminate on the date that the budget director provides the certification provided for in subsection (7). In order to be effective, the certification must be made between October 1, 2024, and December 31, 2024.

(6) (a) The budget director shall continually evaluate whether implementation of a section of [this act] will:

(i) result in a reduction of funds from the American Rescue Plan Act; or
(ii) require the state to repay or refund to the federal government pursuant to the American Rescue Plan Act.

(b) The budget director shall consider guidance from:

- (i) the federal government about the American Rescue Plan Act;
- (ii) court decisions about the American Rescue Plan Act;
- (iii) amendments to the American Rescue Plan Act;
- (iv) any information provided by the attorney general; and
- (v) other relevant information about the American Rescue Plan Act.

(c) If the budget director determines that the implementation of a section of [this act] may satisfy the criteria in subsection (6)(a) based on the guidance in subsection (6)(b), the budget director shall notify the legislative finance committee of the preliminary determination. The budget director's notification of the preliminary determination may occur after January 1 but no later than December 10 of each of the calendar years 2021, 2022, 2023, and 2024. Within 20 days of notification, the legislative finance committee shall provide the budget director with any recommendations concerning the preliminary determination. The budget director shall consider any recommendations of the legislative finance committee.

(7) If the budget director determines that the implementation of a section of [this act] would more likely than not satisfy the criteria in subsection (6)(a) based on the guidance in subsection (6)(b) and the recommendations of the legislative finance committee in subsection (6)(c), the budget director shall provide certification in writing to the legislative finance committee and the code commissioner of the occurrence of the relevant contingency provided for in subsections (2) through (5).

Approved May 14, 2021

CHAPTER NO. 551

[HB 630]

AN ACT GENERALLY REVISING STATE FINANCE LAWS RELATED TO APPROPRIATING FEDERAL FUNDS FOR COVID-19 RELIEF FOR THE FISCAL YEAR ENDING JUNE 30, 2021; ESTABLISHING A TEMPORARY MAINTENANCE OF EQUITY PAYMENT FOR SCHOOL DISTRICTS; TEMPORARILY SUSPENDING ANTICIPATED ENROLLMENT INCREASES DUE TO COVID-19; TEMPORARILY MODIFYING FINANCIAL SUPPORT FOR UNANTICIPATED ENROLLMENT INCREASES DUE TO COVID-19; ALLOWING COVID-19 RELIEF APPROPRIATIONS TO CONTINUE INTO THE BIENNIUM BEGINNING JULY 1, 2021; APPROPRIATING FUNDS TO THE OFFICE OF STATE PUBLIC DEFENDER FOR THE FISCAL YEAR ENDING JUNE 30, 2021; ALLOWING MODIFICATIONS RELATED TO APPROPRIATIONS AND AUTHORIZATIONS; AMENDING SECTIONS 20-6-326, 20-9-166, AND 20-9-314, MCA; AMENDING SECTION 1, CHAPTER 483, LAWS OF 2019; AND PROVIDING AN EFFECTIVE DATE AND A TERMINATION DATE.

Be it enacted by the Legislature of the State of Montana:

Section 1. Maintenance of equity payment. If the superintendent of public instruction determines that in the absence of the payment under this section the state will not be in compliance with the maintenance of equity requirements of section 2004(b)(1) or (b)(2) of the American Rescue Plan Act of 2021, the superintendent shall provide a maintenance of equity payment from the BASE aid appropriation in House Bill No. 2 to school districts only as necessary and in the minimum amount required to ensure compliance. A school district receiving a maintenance of equity payment shall deposit the money in the district's miscellaneous programs fund and may use the money for general operations and instruction as determined by the board of trustees.

Section 2. Section 20-6-326, MCA, is amended to read:

“20-6-326. Procedure for expansion of elementary school district into K-12 school district – trustee resolution. (1) An existing elementary district that is not part of a unified school system or governed by a joint board with a high school district may expand into a K-12 district under the procedures outlined in this section only if the elementary district's ANB, as calculated under the provisions of 20-9-311, is at least 1,000.

(2) The expansion to a K-12 district may be requested by the trustees of an existing elementary district through passage of a resolution that includes the information outlined in 20-6-105(3) and requests the county superintendent to order an election to allow the electors of the elementary district to consider the proposition of expanding the elementary school district into a K-12 district. The trustees of an existing elementary district with an ANB of at least 1,000 may not pass a resolution for expansion more than one time within a 5-year period.

(3) (a) If the proposition for the expansion is approved by the electors of the elementary district and the trustees issue a certificate of election as provided in 20-20-416, for a period of 2 years from the date of the certification of the election the elementary trustees have the authority to propose to the electors of the elementary district:

(i) a transition costs levy pursuant to 20-9-502; and

(ii) a general obligation bond pursuant to Title 20, chapter 9, part 4, for the purpose of building, altering, repairing, buying, furnishing, equipping, purchasing lands for, or obtaining a water supply for a school to accommodate high school students.

(b) The bond limitations pursuant to 20-9-406 imposed on a district proposing a bond under subsection (3)(a) must be calculated on the limits for a K-12 district with the high school ANB calculated by dividing the ANB of the elementary district by 9 and multiplying the result by 4.

(c) A bond approved under subsection (3)(a) becomes a bond of, and may not be issued until the creation of, the K-12 district formed pursuant to subsection (4).

(d) A district that issues a bond under this subsection (3) is eligible for facility reimbursements and advances pursuant to 20-9-366 through 20-9-371 that, until the new high school has enrolled students in all grades and has established an actual ANB for budgeting purposes, must be based on an estimated high school ANB calculated by dividing the ANB of the elementary district by 9 and multiplying the result by 4.

(e) Until the county superintendent orders the creation of a new high school district and attachment of the expanding elementary district to form a new K-12 district pursuant to subsection (4), the existing high school district remains intact for all purposes.

(4) If elementary electors approve a bond pursuant to subsection (3), on July 1 following the approval of the bond the county superintendent shall order the creation of a new high school district with identical boundaries to the expanding elementary district and the immediate attachment of the expanding elementary district to form a K-12 district. The county superintendent shall send a copy of the order to the board of county commissioners and to the trustees of the districts affected by the creation of the district. The trustees of the expanding elementary district must be designated as the trustees of the new K-12 district.

(5) Prior to the first school fiscal year in which the K-12 district will enroll students in a *particular* high school grade, the K-12 trustees shall prepare operating budgets for the new high school according to the school budgeting provisions of this title, except that:

(a) the ANB *for any inaugural grades* for the high school program of the K-12 district must be estimated by the trustees and may not exceed the number resulting from dividing the *highest budgeted* ANB of the elementary program *in the preceding 3 fiscal years* by 9 and multiplying the result by the number of grades in which the high school will enroll students *for the first time in the ensuing school year*;

(b) the number of quality educators for the high school program must be estimated by the trustees and may not exceed the number resulting from dividing the ANB estimated under subsection (5)(a) by 10;

(c) the taxable value for budgeting purposes of both the elementary and high school programs of the K-12 district must be based on the taxable value as most recently determined by the department of revenue;

(d) the general fund budget adopted by the trustees must be based on only the basic entitlement, the quality educator payment, and the budget components derived from ANB counts; and

(e) the district's BASE aid for the upcoming year must be based on the general fund budget adopted by the trustees for the upcoming school year.

(6) Until the first school year in which the K-12 school district enrolls high school students in all grades and for a period of time not to exceed 6 years following the creation of the K-12 district:

(a) the high school district shall provide high school instruction to high school students of the K-12 district in any grades in which the K-12 district is not enrolling students;

(b) the K-12 district shall be responsible for providing transportation for its students enrolled in the high school district pursuant to subsection (6)(a), may establish a transportation budget for this purpose, and may receive state and county reimbursements under Title 20, chapter 10; and

(c) the K-12 district shall pay the high school district 20% of the per-ANB maximum rate established in 20-9-306 for each of its students enrolled in the high school district with one-half of the amount due by December 31 of the year following the year of attendance and the remainder due no later than June 15 of the year following the year of attendance. The K-12 trustees shall establish a tuition fund and levy to fund these payments.

(7) (a) Bonded indebtedness of the high school district that is outstanding as of the date of creation of the K-12 district must remain secured by and be the indebtedness of the original territory against which the bonds of the high school district were issued and must be paid by tax levies against the original territory.

(b) Bonded indebtedness of the high school district that is issued by the high school district following the creation of the K-12 district is secured by the territory of the high school district as of the date of issuance of the high school district bonds and must be paid by tax levies against the territory of the high school district. However, if bonds of the high school district were approved at a bond election conducted before the creation of the K-12 district, all bonds of the high school district issued by the high school district under the bond election authority must remain secured by and be the indebtedness of the territory of the high school district as of the date the bond authority was approved by voters and must be paid by tax levies against that territory.

(c) Bonded indebtedness of the K-12 district is secured by the territory of the K-12 district as of the date of issuance of the K-12 district bonds and must be paid by tax levies against the territory of the K-12 district.

(d) Bonded indebtedness of the elementary district that is outstanding as of the date of creation of the K-12 district must become upon the date of creation of the K-12 district the bonded indebtedness of the K-12 district and must be secured by the territory of the K-12 district and paid by tax levies against the territory of the K-12 district. The debt service on the bonds must be allocated to the elementary program of the K-12 district.

(e) Bonded indebtedness of the high school district or the K-12 district that is subsequently affected by a later reorganization of the high school district or the K-12 district is governed by the provisions of Title 20, chapter 6, part 4.

(8) When a K-8 district expands to a K-12 district as provided for in this section, a principal, teacher, or other certified employee of the original high school district who has a right of tenure under Montana law must be given preference in hiring for a vacant position in the new K-12 district for which the employee is qualified with the required certification endorsements."

Section 3. Section 20-9-166, MCA, is amended to read:

"20-9-166. State financial aid for (Temporary) Financial support for transportation budget amendments and covid-19-related enrollment increases. Whenever a final budget amendment has been adopted for the general fund to finance the cost of an amendment resulting from increased enrollment, the trustees may apply to the superintendent of public instruction for an increased payment from the state for direct state aid. (1) Whenever a final budget amendment has been adopted for the transportation fund, the trustees may apply to the superintendent of public instruction

for an increased payment for state transportation reimbursement. The superintendent of public instruction shall adopt rules for the application *for state transportation reimbursement*. The superintendent of public instruction shall approve or disapprove each application for ~~increased state aid made in accordance with 20-9-314 and this section~~ *state transportation reimbursement*. When the superintendent of public instruction approves an application, the superintendent of public instruction shall determine the additional amount of ~~direct state aid or the~~ state transportation reimbursement that will be made available to the applicant district because of the increase in enrollment or additional pupil transportation obligations. The superintendent of public instruction shall notify the applicant district of the superintendent's approval or disapproval and, in the event of approval, the amount of additional state aid that will be made available for ~~the general fund or the~~ transportation fund. The superintendent of public instruction shall disburse the state aid to the eligible district at the time the next regular state aid payment is made.

(2) (a) *Any increase in enrollment for a district at the October enrollment count for fiscal years 2022 and 2023 compared to the enrollment count of the district in October of the immediately preceding fiscal year is declared by the legislature to be related to the uncertainty created by covid-19 and qualifies the district for additional financial support as described in this subsection (2). The legislature also declares that the state's fiscal challenges in the biennium beginning July 1, 2021, are a direct result of the economic downturn resulting from covid-19.*

(b) *Subject to reduction under subsection (2)(c), the amount of additional financial support the district qualifies for must be calculated by the superintendent of public instruction as the difference between the district's BASE budget for that fiscal year and the amount of the district's BASE budget if the district's budget limit ANB for that fiscal year was calculated using the district's actual October enrollment count in the current school year in place of the average of the preceding year's October and February enrollment counts.*

(c) (i) *The total amount of the additional financial support for a district must be reduced by 10% of the Title I allocation and any portion of an amount allocated on a per-quality-educator basis to the district as of the enrollment count date pursuant to:*

(A) *the Coronavirus Response and Relief Supplemental Appropriations Act of 2021; and*

(B) *the American Rescue Plan Act of 2021, except for the 20% portion of the funds specifically earmarked and restricted to spending on learning loss programs.*

(ii) *The superintendent of public instruction shall consider the 10% amount calculated under this subsection (2)(c) as an expense eligible for reimbursement under catalog of federal domestic assistance number 84.425D.*

(d) *The only increases in financial support resulting from increased enrollment are the increases described in this subsection (2). The superintendent of public instruction shall allocate the additional financial support to a qualifying district, first from federal money appropriated by the legislature for this purpose and if necessary, from the BASE aid appropriation in House Bill No. 2.*

(e) *A district receiving additional financial support under this subsection (2) shall deposit the money in the district's miscellaneous programs fund and use it to address costs associated with the enrollment increase. (Terminates June 30, 2023)."*

Section 4. Section 20-9-314, MCA, is amended to read:

“20-9-314. Procedures for determining eligibility and amount of increased average number belonging due to unusual enrollment increase. *A Except for the ensuing school fiscal years of 2022 and 2023, a district that anticipates an unusual increase in enrollment in the ensuing school fiscal year, as provided for in 20-9-313(1)(d), may increase its basic entitlement and total per-ANB entitlement for the ensuing school fiscal year in accordance with the following provisions:*

(1) Prior to June 1, the district shall estimate the elementary or high school enrollment to be realized during the ensuing school fiscal year, based on as much factual information as may be available to the district.

(2) No later than June 1, the district shall submit its application for an anticipated unusual enrollment increase by elementary or high school level to the superintendent of public instruction. The application must include:

(a) the enrollment for the current school fiscal year;

(b) the average number belonging used to calculate the basic entitlement and total per-ANB entitlement for the current school fiscal year;

(c) the average number belonging that will be used to calculate the basic entitlement and total per-ANB entitlement for the ensuing school fiscal year;

(d) the anticipated enrollment, including the factual information on which the estimate is based, as provided in subsection (1); and

(e) any other information or data that may be requested by the superintendent of public instruction.

(3) The superintendent of public instruction shall immediately review all the factors of the application and shall approve or disapprove the application or adjust the enrollment used to calculate the budgeted average number belonging for the ensuing school fiscal year. After approving an estimate, with or without adjustment, the superintendent of public instruction shall:

(a) determine the percentage by which the adjusted enrollment exceeds the enrollment used for the budgeted average number belonging; and

(b) approve an increase of the average number belonging used to establish the ensuing year's basic entitlement and total per-ANB entitlement in accordance with subsection (5) if the increase in subsection (3)(a) is at least 4% or 40 students, whichever is less.

(4) The superintendent of public instruction shall notify the district of the decision by the fourth Monday in June.

(5) Whenever an unusual enrollment increase is approved by the superintendent of public instruction, the maximum allowable increase to the average number belonging is equal to the adjusted enrollment as determined by the superintendent of public instruction in subsection (3) minus the sum of:

(a) the enrollment used to calculate the budgeted average number belonging for the ensuing school fiscal year; and

(b) the lesser of 40 students or 4% of the enrollment used to calculate the budgeted average number belonging for the ensuing school fiscal year.

(6) (a) Any entitlement increases resulting from provisions of this section must be reviewed at the end of the ensuing school fiscal year.

(b) If the actual enrollment is less than the enrollment used to determine the budgeted ANB, the superintendent of public instruction shall recalculate the district's BASE budget and maximum budget limitations, adopted budget, and BASE aid using the actual enrollment in place of the adjusted enrollment and:

(i) any BASE aid received by the district in excess of the amount recalculated is an overpayment subject to the refund provisions of 20-9-344(4); and

(ii) any revenue received by the district from BASE budget and over-BASE budget levies increased by the difference between the adjusted enrollment and the actual enrollment is an overpayment and must be used to reduce the BASE budget levy calculated as provided in 20-9-141 to the extent of any BASE budget levy revenue overpayment and to reduce the over-BASE budget levy to the extent of any over-BASE budget levy revenue overpayment in the ensuing school fiscal year. In order to return the full amount of the overpayment to local taxpayers, the amount of the reduction in the BASE budget mills levied as a result of any overpayment must be calculated as a final step in computing the district's general fund net BASE levy requirement pursuant to the procedure set forth in 20-9-141(2) and the district's guaranteed tax base aid must be calculated prior to the reduction in BASE mills."

Section 5. Appropriation – authorization to spend federal money.

(1) There are federal special revenue funds appropriated to the agencies listed below for the fiscal year beginning July 1, 2020. Appropriation authority is intended to be allocated to the following items. Appropriations are authorized to continue in the biennium beginning July 1, 2021.

Agency	Amount	
Office of Public Instruction	\$153,089,519	[Basic Allocation to School Districts]
	\$3,400,000	[Supplemental Allocation to School Districts]
	\$120,000	[Allocation to Other Educational Institutions]
	\$2,500,000	[Special Needs Allocation]
	\$1,200,000	[Targeted Support to School Districts]
	\$939,449	[Education Leadership in Montana]
	\$8,000,000	[OPI Database Modernization]
	\$850,497	[Administration]
Department of Commerce	\$183 million	[Emergency Rental Assistance]
Department of Labor and Industry	\$5,251,366	[Unemployment Insurance Administration]
Department of Transportation	\$52.7 million	[Transportation Infrastructure]
	\$50 million	[Restricted]

(2) The appropriations to the office of public instruction in subsection (1) are restricted as follows:

(a) For Basic Allocation to School Districts, the amount allocated to school districts is to be based on federal law. The office of public instruction shall distribute funds through a grants for expenses method that is consistent with Section 313(d) of ESSER II.

(b) For Supplemental Allocation to School Districts, the office of public instruction shall allocate the funds as follows:

(i) a school district with less than 6 quality educators receives \$10,000;

(ii) a school district with 6 or more quality educators that receives less than an amount equal to \$10,000 times the number of the district's quality educators in the basic allocation receives an amount for every quality educator plus an additional \$50 for every quality educator that the district is below the statewide average of quality educators for each district;

(iii) the amount for every quality educator must be calculated to use the \$3.4 million appropriation; and

(iv) the office of public instruction shall distribute the funds in the same manner as used for the basic allocation.

(c) For Allocation to Other Educational Institutions, an allocation to the School for the Deaf and Blind, Pine Hills, and the Youth Academy are to be made on a per-quality-educator basis. The office of public instruction shall distribute the funds in the same manner as used for the basic allocation.

(d) For Special Needs Allocation, allocations to school districts and special education cooperatives are to be made consistent with the allowable cost payment for special education funding. The office of public instruction shall distribute the funds in the same manner as used for the basic allocation.

(e) For Targeted Support to School Districts:

(i) grants may be made at the discretion of the office of public instruction to school districts with significant challenges related to learning loss or fluctuations in enrollment. The office of public instruction shall distribute the funds in the same manner as used for the basic allocation.

(ii) grants may only be awarded after a district has expended all other federal funds allocated to it for responding to the covid-19 pandemic; and

(iii) a district may use these funds to provide support to a special education cooperative, of which it is a member, for expenses that are consistent with Section 313(d) of ESSER II.

(f) For Education Leadership in Montana, the office of public instruction shall create a system to build the capacity of principals, teachers, and other leaders to ensure recovery of each school from the effects of the covid-19 pandemic in a model that addresses the learning opportunities missed and needed by each person to reach their full educational potential.

(g) For OPI Database Modernization, funds must be used by the office of public instruction to repair, improve, or replace existing data systems to respond to learning loss associated with the pandemic. Actions taken must be consistent with the provisions of 20-7-104.

(h) For Administration, funds must be used by the office of public instruction for the administration of ESSER II activities.

(3) The appropriation of \$50 million to the department of transportation in subsection (1) is restricted to the maintenance program for contractor payments.

(4) The department of commerce shall consult with the department of public health and human services regarding the implementation and expenditure of the Emergency Rental Assistance appropriation relating to utility assistance, case management, or other matters. The department of commerce may subgrant funds as appropriate for implementation and expenditure of the funds.

Section 6. Appropriation. There is appropriated \$350,000 from the general fund to the office of public defender for the fiscal year ending June 30, 2021. This appropriation is intended to provide necessary and ordinary expenditures for the fiscal year ending June 30, 2021. The unspent balance of this appropriation reverts to the general fund.

Section 7. Section 1, Chapter 483, Laws of 2019, is amended to read:

Community college reversions for the biennium beginning July 1, 2019. The following language in House Bill No. 2, Chapter 423, Laws of 2019, at page E-4 is amended as follows:

“The general fund appropriation for Community College Assistance is calculated to fund education in the community colleges for an estimated 2,083 resident FTE in FY 2020 and 2,143 in FY 2021. If total resident FTE student enrollment in the community colleges is greater than the estimated number for the biennium, the community colleges shall serve the additional

students without a state general fund contribution. ~~If actual resident FTE student enrollment is less than the estimated numbers for the biennium, the community colleges shall revert general fund money to the state in accordance with 17-7-142."~~

Section 8. Modifications to appropriations and authorizations.

(1) The governor, or the budget director under the direction of the governor, is authorized to redirect appropriations and authorizations to other projects or appropriations within [this act] to ensure conformity with applicable federal laws, regulations, and guidance issued by federal agencies.

(2) (a) If a proposed line-item transfer or a fund switch in [this act] exceeds \$100,000, the budget director shall submit a legal analysis and detailed description of the requested line-item transfer or fund switch to the legislative fiscal analyst 30 days prior to the next scheduled meeting of the legislative finance committee.

(b) For the purposes of this section, the following definitions apply:

(i) "Fund switch" means a change in a line-item fund source or account to another fund source or account.

(ii) "Line-item transfer" means the transfer of appropriation authority from one line item to a different line item.

(3) The legislative finance committee shall review the proposed line-item transfer or fund switch at the next meeting. A representative of the office of budget and program planning must be present at the meeting to discuss the proposal. The legislative finance committee may take up to 15 days following its meeting to review and comment on the proposal. The office of budget and program planning may provide a response to the comments within 15 days of receiving the committee's comments.

(4) The governor, or the budget director at the direction of the governor, is authorized to adjust the parameters of a program or service appropriated in [this act] to ensure conformity with applicable federal laws, regulations, and guidance issued by federal agencies. If the parameters of a program are adjusted, the office of budget and program planning shall notify the legislative finance committee of the change at its next scheduled meeting. The legislative finance committee may take up to 15 days following its meeting to review and comment on the proposal. The office of budget and program planning may provide a response to the comments within 15 days of receiving the committee's comments.

(5) If a proposed line-item transfer or a fund switch or a modification to the parameters of a program or service is of an urgent nature, the budget director shall notify the legislative fiscal analyst as soon as possible and the 30-day notice is not required. The legislative finance committee shall convene as soon as possible to review the proposal and provide comment. The meeting may be held in a virtual setting.

Section 9. Coordination instruction. If both House Bill No. 3 and [this act] are passed and approved, [section 3(2)] of House Bill No. 3 must read:

"(2) There is appropriated \$650,000 in federal funds, generated from interest income on the Coronavirus Relief Fund, to the office of budget and program planning for the fiscal year ending June 30, 2021, for coronavirus-related purposes."

Section 10. Effective date. [This act] is effective on passage and approval.

Section 11. Termination. [Sections 1 and 3] terminate June 30, 2023.

Approved May 14, 2021

CHAPTER NO. 552

[HB 637]

AN ACT GENERALLY REVISING LAWS RELATED TO THE DEPARTMENT OF FISH, WILDLIFE, AND PARKS; REVISING GAME WARDEN AUTHORITY; REVISING LAWS RELATED TO BLOCK MANAGEMENT PROGRAM PAYMENTS; REVISING LAWS RELATED TO PUBLIC ACCESS LAND AGREEMENTS; REVISING LAWS RELATED TO CLASS D-4 NONRESIDENT HOUND LICENSES; REVISING LAWS RELATED TO ELK LICENSES AND PERMITS FOR LANDOWNERS OFFERING PUBLIC HUNTING; REVISING PREFERENCE POINTS LAWS; REVISING RESTRICTIONS ON WHEN SPECIAL BEAR AND MOUNTAIN LION LICENSES MAY BE USED; CLARIFYING WHEN APPRENTICE HUNTERS MAY RECEIVE THEIR CERTIFICATE; REVISING LAWS RELATED TO SHOOTING PRESERVES; CLARIFYING THE CLASSIFICATION OF WOLVES; REVISING LAWS RELATED TO UNLAWFUL USE OF BOATS, EQUIPMENT, AND VEHICLES WHILE HUNTING; REVISING LAWS RELATED TO HARASSMENT OF GAME BIRDS AND GAME ANIMALS; REVISING LAWS RELATED TO UNLAWFUL HUNTING WITHIN A MUNICIPALITY; REVISING TURKEY TAGGING OFFENSES; REVISING LAWS RELATED TO THE TRANSFER OF OWNERSHIP INTERESTS IN COMMERCIAL LICENSES HELD BY INCORPORATED ENTITIES; AUTHORIZING ONE-TIME ISSUANCE OF CLASS B-10 AND CLASS B-11 LICENSES TO CERTAIN NONRESIDENTS; ALLOCATING REVENUE; PROVIDING RULEMAKING AUTHORITY; PROVIDING APPROPRIATIONS; MAKING REISSUANCE OF CERTAIN SPECIAL MOOSE LICENSES FOR ANIMALS FOUND UNFIT FOR HUMAN CONSUMPTION RETROACTIVELY APPLICABLE; AMENDING SECTIONS 61-12-401, 87-1-265, 87-1-295; 87-1-301, 87-1-504, 87-2-115, 87-2-513, 87-2-519, 87-2-702, 87-2-810, 87-4-502, 87-4-522, 87-4-530, 87-5-131, 87-6-207, 87-6-401, 87-6-402, 87-6-404, 87-6-405, 87-6-412, AND 87-6-706, MCA; REPEALING SECTIONS 87-1-296, 87-1-297, 87-1-505, AND 87-4-526, MCA; AND PROVIDING EFFECTIVE DATES.

Be it enacted by the Legislature of the State of Montana:

Section 1. Section 61-12-401, MCA, is amended to read:

“61-12-401. Taking vehicle into custody. (1) The following law enforcement agencies *and department of fish, wildlife, and parks personnel* may take into custody any vehicle found abandoned for a period of 48 hours or more on a public highway or for a period of 5 days or more on a city street, public property, or private property:

(a) the Montana highway patrol if the vehicle is on the right-of-way of any public highway other than a county road;

(b) the sheriff of the county if the vehicle is on the right-of-way of any county road;

(c) the city police if the vehicle is on a city street; *and*

(d) *a game warden, as defined in 19-8-101, if the vehicle is on state land or land managed by the department of fish, wildlife, and parks.*

(2) The Montana highway patrol, sheriff of the county, ~~or~~ city police, ~~or department of fish, wildlife, and parks~~ may use their personnel, equipment, and facilities for the removal and storage of the vehicle or may hire other personnel, equipment, and facilities for those purposes.

(3) If the Montana highway patrol, the sheriff of the county, ~~or the chief of police, of the city in which the vehicle is being stored or the department of fish, wildlife, and parks~~ has hired other personnel, equipment, and facilities to remove and store a vehicle, the Montana highway patrol, sheriff, ~~or chief of police, or department of fish, wildlife, and parks~~ shall:

(a) pay the person hired to remove the vehicle an amount not to exceed the amount for a removal charge established by rules adopted by the department of environmental quality and may request reimbursement of the hired removal charge from the motor vehicle recycling and disposal program of the department of environmental quality in an amount and manner established by rules adopted by the department of environmental quality for this purpose; or

(b) authorize the person hired to remove the vehicle to submit directly to the department of environmental quality a claim for payment to be made directly to the person hired to remove the vehicle.

(4) (a) At the request of the owner or person in lawful possession or control of the private property, the sheriff of the county in which the vehicle is located or the city police of the city in which the vehicle is located may remove and hold it in the manner and upon the conditions provided in subsections (1) and (2).

(b) A private landowner owning property considered to be part of ways of this state open to the public, as defined in 61-8-101, who can demonstrate meeting the 5-day waiting period in subsection (1) by calling one of the law enforcement agencies listed in subsection (1) at the start of the 5-day period may remove the abandoned vehicle within the conditions provided for in subsections (1) and (2)."

Section 2. Section 87-1-265, MCA, is amended to read:

"87-1-265. Hunting access programs – block management program – private landowner assistance – rules – restriction on landowner liability. (1) There is established a block management program administered by the department to provide landowner assistance that encourages public access to private and public lands for hunting purposes.

(2) The department may also develop and administer alternative programs to the block management program that are designed to promote public access to private and public lands for hunting purposes.

(3) Participation in a hunting access program established under this section is voluntary. A lease, acquisition, or other arrangement for public access to or across private property for hunting purposes must be negotiated through a cooperative agreement between the landowner and the department that will guarantee reasonable access for public hunting. Landowners may also form a voluntary association when development of a unified cooperative agreement is advantageous. A cooperative agreement must contain a detailed description of the conditions for use of the private property, including but not limited to:

(a) hunting access management;
(b) services to be provided to the public;
(c) ranch rules and other restrictions; and
(d) any other management information to be gathered, which must be made available to the public.

(4) Private land is not eligible for inclusion in a hunting access program if outfitting, commercial hunting, or fees charged for private hunting access unreasonably restrict public hunting opportunities.

(5) If the department determines that an agreement may adversely influence game management decisions or wildlife habitat on public lands, then other public land agencies, interested sportspersons, and affected landowners

must be consulted. An affected landowner's management goals and personal observations regarding game populations and habitat use must be considered in development of the agreement.

(6) The commission may adopt rules to implement the provisions of this section, including but not limited to rules that determine tangible benefits to be provided to a landowner who participates in a hunting access program. Benefits are intended to offset potential impacts associated with public hunting access, including but not limited to those associated with general ranch maintenance, conservation efforts, weed control, fire protection, liability insurance, roads, fences, and parking area maintenance. Factors used in determining benefits may include but are not limited to:

(a) the number of days of public hunting provided by a participating landowner;

(b) wildlife habitat provided;

(c) resident game populations;

(d) number, sex, and species of animals taken; and

(e) access provided to adjacent public lands.

(7) (a) Benefits earned by a landowner who participates in a hunting access program may include but are not limited to those applied in the manner described in subsections (7)(b) and (7)(c).

(b) A landowner may receive direct payments:

(i) for weed control or may direct payments to be made directly to the county weed control board;

(ii) for fire protection or may direct fire protection payments to be made to the local fire district or the county where the landowner resides; and

(iii) to offset insurance costs incurred for allowing public hunting access.

(c) The department may provide assistance in the construction and maintenance of roads, gates, and parking facilities and in the signing of property.

(8) (a) Except as provided in 87-1-264 and subsection (8)(b) of this section, payments to a landowner who participates in a hunting access program through an annual agreement may not exceed ~~\$15,000~~ \$25,000 per year.

(b) *Each landowner who participates in a unified cooperative agreement pursuant to subsection (3) may be eligible for payments not to exceed \$25,000 per year.*

(9) The restriction on liability of a landowner, agent, or tenant that is provided under 70-16-302(1) applies to a landowner who participates in a hunting access program."

Section 3. Section 87-1-295, MCA, is amended to read:

"87-1-295. Public access land agreement – terms – application fee.

(1) A public access land agreement may be granted only to a landowner who is providing access across the landowner's land to public land that is leased by the landowner or to public land for which there is no leaseholder. *An agreement may not include land for which the landowner is also compensated pursuant to 76-17-102 or 87-1-294.*

(2) The department shall negotiate the terms of a proposed public access land agreement with the landowner. Negotiable terms include:

(a) the amount of compensation, *not to exceed \$15,000 annually*, and the duration of the agreement;

(b) improvements to the land provided by the department that may facilitate public access;

(c) the location of the access and the transportation mode by which the public may use the access;

(d) time periods when the access may and may not be used; and

(e) penalties for trespassing on private land not covered by the agreement.

(3) The private land/public wildlife advisory committee appointed pursuant to 87-1-269 shall review proposed public access land agreements and make recommendations to the department. The department shall consider the recommendations when issuing agreements.

(4) The department may revoke a public access land agreement for a violation of the terms of the agreement.

(5) The restriction on liability of a landowner, agent, or tenant that is provided under 70-16-302(1) applies to a landowner who holds a public access land agreement.

(6) (a) A landowner who proposes a public access land agreement to the department shall pay a \$5 application fee.

(b) All application fees must be deposited in the department's general license account *and used for the purpose of establishing public access land agreements. At the end of each fiscal year, application revenue that remains unobligated is available to the department for any purpose pursuant to 87-1-201(3).*

(7) *The department may adopt rules to implement the provisions of this section."*

Section 4. Section 87-1-301, MCA, is amended to read:

"87-1-301. Powers of commission. (1) Except as provided in subsections (6) and (7), the commission:

(a) shall set the policies for the protection, preservation, management, and propagation of the wildlife, fish, game, furbearers, waterfowl, nongame species, and endangered species of the state and for the fulfillment of all other responsibilities of the department related to fish and wildlife as provided by law;

(b) shall establish the hunting, fishing, and trapping rules of the department;

(c) except as provided in 23-1-111 and 87-1-303(3), shall establish the rules of the department governing the use of lands owned or controlled by the department and waters under the jurisdiction of the department;

(d) must have the power within the department to establish wildlife refuges and bird and game preserves;

(e) shall approve all acquisitions or transfers by the department of interests in land or water, except as provided in 23-1-111 and 87-1-209(2) and (4);

(f) except as provided in 23-1-111, shall review and approve the budget of the department prior to its transmittal to the office of budget and program planning;

(g) except as provided in 23-1-111, shall review and approve construction projects that have an estimated cost of more than \$1,000 but less than \$5,000;

(h) shall manage elk, deer, and antelope populations based on habitat estimates determined as provided in 87-1-322 and maintain elk, deer, and antelope population numbers at or below population estimates as provided in 87-1-323. In developing or implementing an elk management plan, the commission shall consider landowner tolerance when deciding whether to restrict elk hunting on surrounding public land in a particular hunting district. As used in this subsection (1)(h), "landowner tolerance" means the written or documented verbal opinion of an affected landowner regarding the impact upon the landowner's property within the particular hunting district where a restriction on elk hunting on public property is proposed.

(i) shall set the policies for the salvage of antelope, deer, elk, or moose pursuant to 87-3-145; and

(j) shall comply with, adopt policies that comply with, and ensure the department implements in each region the provisions of state wildlife management plans adopted following an environmental review conducted pursuant to Title 75, chapter 1, parts 1 through 3.

(2) The commission may adopt rules regarding the use and type of archery equipment that may be employed for hunting and fishing purposes, taking into account applicable standards as technical innovations in archery equipment change.

(3) The commission may adopt rules regarding the establishment of special licenses or permits, seasons, conditions, programs, or other provisions that the commission considers appropriate to promote or enhance hunting by Montana's youth and persons with disabilities.

(4) (a) The commission may adopt rules regarding nonresident big game combination licenses to:

- (i) separate deer licenses from nonresident elk combination licenses;
- (ii) set the fees for the separated deer combination licenses and the elk combination licenses without the deer tag;

- (iii) condition the use of the deer licenses; and

- (iv) limit the number of licenses sold.

(b) The commission may exercise the rulemaking authority in subsection (4)(a) when it is necessary and appropriate to regulate the harvest by nonresident big game combination license holders:

- (i) for the biologically sound management of big game populations of elk, deer, and antelope;

- (ii) to control the impacts of those elk, deer, and antelope populations on uses of private property; and

- (iii) to ensure that elk, deer, and antelope populations are at a sustainable level as provided in 87-1-321 through 87-1-325.

(5) (a) Subject to the provisions of subsection (5)(b), the commission may adopt rules to:

- (i) limit the number of nonresident mountain lion hunters in designated hunting districts; and

- (ii) determine the conditions under which nonresidents may hunt mountain lion in designated hunting districts.

(b) The commission shall adopt rules for the use of and set quotas for the sale of Class D-4 nonresident hound ~~handler~~ licenses by hunting district, portions of a hunting district, group of districts, or administrative regions. ~~However, no more than two Class D-4 licenses may be issued in any one hunting district per license year.~~

(c) The commission shall consider, but is not limited to consideration of, the following factors:

- (i) harvest of lions by resident and nonresident hunters;

- (ii) history of quota overruns;

- (iii) composition, including age and sex, of the lion harvest;

- (iv) historical outfitter use;

- (v) conflicts among hunter groups;

- (vi) availability of public and private lands; and

- (vii) whether restrictions on nonresident hunters are more appropriate than restrictions on all hunters.

(6) The commission may not regulate the use or possession of firearms, firearm accessories, or ammunition, including the chemical elements of ammunition used for hunting. This does not prevent:

- (a) the restriction of certain hunting seasons to the use of specified hunting arms, such as the establishment of special archery seasons;

(b) for human safety, the restriction of certain areas to the use of only specified hunting arms, including bows and arrows, traditional handguns, and muzzleloading rifles;

(c) the restriction of the use of shotguns for the hunting of deer and elk pursuant to 87-6-401(1)(f);

(d) the regulation of migratory game bird hunting pursuant to 87-3-403; or

(e) the restriction of the use of rifles for bird hunting pursuant to 87-6-401(1)(g) or (1)(h).

(7) Pursuant to 23-1-111, the commission does not oversee department activities related to the administration of state parks, primitive parks, state recreational areas, public camping grounds, state historic sites, state monuments, and other heritage and recreational resources, land, and water administered pursuant to Title 23, chapter 1, and Title 23, chapter 2, parts 1, 4, and 9.”

Section 5. Section 87-1-504, MCA, is amended to read:

“87-1-504. Protection of private property – duty of wardens. It is the duty of wardens to enforce *and wardens have the power of peace officers in the enforcement of* the provisions of 45-6-101, 45-6-203, 75-10-212(2), 77-1-801, 77-1-806, and rules adopted under 77-1-804 on private and state lands ~~being used for hunting and fishing.~~”

Section 6. Section 87-2-115, MCA, is amended to read:

“87-2-115. Nonresident elk and deer license preference point system. (1) The department shall establish a preference point system to distribute Class B-10 nonresident big game combination licenses and Class B-11 nonresident deer combination licenses.

(2) Nonresidents applying to purchase a Class B-10 or Class B-11 license may purchase a preference point, upon payment of a nonrefundable ~~\$50~~ *\$100* fee, that gives an applicant who has more preference points priority to receive a Class B-10 or Class B-11 license over an applicant who has purchased fewer preference points.

(3) An applicant may:

(a) purchase only one preference point per license year *except a nonresident hunting with an outfitter licensed pursuant to Title 37, chapter 47, part 3, and providing the documentation required in subsection (8), may purchase two preference points per license year. No applicant may accumulate more than three preference points total.; and*

(b) purchase a preference point without applying for a Class B-10 or Class B-11 license. An applicant not applying for a Class B-10 or Class B-11 license may purchase a preference point only between July 1 and ~~September 30~~ *December 31* of that license year. ~~The department shall delete an applicant's accumulated preference points if the applicant does not apply for a Class B-10 or Class B-11 license for 3 consecutive years.~~

~~(4) (a) Except as provided in subsection (3)(b), the department may not delete an applicant's accumulated preference points unless the applicant obtains the license applied for, in which case the~~ *The department shall delete the an applicant's accumulated preference points if the applicant:*

(i) obtains a Class B-10 or Class B-11 license; or

(ii) does not apply for a Class B-10 or Class B-11 license in consecutive years.

(b) If an applicant is unsuccessful in drawing a Class B-10 or Class B-11 license, the department shall allow the applicant to keep and apply preference points to subsequent drawings if done in consecutive years.

(5) The department shall issue 75% of the Class B-10 and Class B-11 licenses made available for purchase pursuant to 87-2-505 and 87-2-510 by drawings in which the licenses are awarded to applicants in the order of which applicants have purchased the greatest number of preference points. If the number of licenses to be issued under this subsection exceeds the number of applicants who have purchased preference points, the remaining licenses must be added to the licenses issued pursuant to subsection (6).

(6) The department shall issue 25% of the Class B-10 and Class B-11 licenses made available for purchase pursuant to 87-2-505 and 87-2-510 by drawings in which the licenses are awarded to applicants who have not purchased any preference points. If the number of licenses to be issued under this subsection exceeds the number of applicants who have not purchased preference points, the remaining licenses must be added to the licenses issued pursuant to subsection (5).

(7) Up to five applicants may apply as a party under this section. The department shall use an average of the number of preference points accumulated by those applicants to determine their priority in receiving licenses issued pursuant to subsection (5). The department shall ~~use any fraction that results from the calculation of an average when determining that priority~~ *calculate the average rounded to the third decimal place.*

(8) *A nonresident purchasing a second preference point pursuant to subsection (3)(a) shall provide written affirmation at the time of application indicating the name and license number of the outfitter with whom the person intends to hunt. If the nonresident obtains the license applied for with the preference points purchased pursuant to subsection (3)(a), the nonresident may only use the license when accompanied by an outfitter or the outfitter's designee licensed to provide guiding services.*

(9) (a) *Fees collected from a nonresident purchasing a second preference point pursuant to subsection (3)(a) must be allocated as follows:*

- (i) 25% to public access land agreements established pursuant to 87-1-295;*
- (ii) 25% to hunting access programs established pursuant to 87-1-265;*
- (iii) 25% to the future fisheries program established in 87-1-272 with a priority given to funding projects that provide public access through private property; and*
- (iv) 25% to the purchase of permanent easements through private property to access otherwise inaccessible lands. An easement funded by this subsection (9)(a)(iv) may be granted only across private land to public land that is leased by the landowner, public land for which there is no leaseholder, or public land for which the landowner has consent of the leaseholder.*

(b) The department may expend up to 10% of the revenue allocated pursuant to subsection (9)(a) to pay administrative costs incurred by the department for the purposes outlined in subsection (9)(a), including but not limited to contracting and transaction costs incurred by the department or entities partnering with the department, and for providing support to the private land/public wildlife advisory committee for its review of public access land agreements pursuant to 87-1-295.

(c) At the end of each fiscal year, funds allocated pursuant to subsection (9)(a) that remain unobligated are available to the department for any purpose pursuant to 87-1-201(3)."

Section 7. Section 87-2-519, MCA, is amended to read:

"87-2-519. Class D-4--nonresident hound handler license. (1) Except as provided in subsections (5) and (6), in order for a nonresident ~~hound handler~~ to use a dog or dogs to aid in the pursuit or harvest of mountain lions, the nonresident ~~hound handler must~~ *shall* first purchase, for a fee of \$500 \$250, a

Class D-4 nonresident hound ~~handler~~ license. To be eligible, the nonresident must be:

(a) at least 18 years of age or older or turn 18 years of age before or during the season for which the license is issued; and

(b) a holder of a nonresident wildlife conservation license and a Class D-1 nonresident mountain lion license.

(2) Not more than ~~35 50 80~~ Class D-4 licenses may be sold in any 1 license year.

(3) A Class D-4 license must be used as authorized by this section and any rule adopted by the department or commission.

(4) A holder of a Class D-4 license may only pursue mountain lions for the purpose of personally harvesting a mountain lion and may not assist any other person in the pursuit of a lion for harvest.

(5) A nonresident is not required to have a Class D-4 license to use a dog or dogs to aid in the pursuit or harvest of mountain lions when the nonresident:

(a) is hunting with an outfitter licensed pursuant to Title 37, chapter 47, part 3; or

(b) *is a nonresident landowner who owns 640 or more contiguous acres. Nonpaying guests of the nonresident landowner may also hunt and pursue mountain lions on the landowner's property and any adjacent public land within 2 miles of the landowner's property without a Class D-4 license.*

(6) A nonresident outfitter or guide licensed pursuant to Title 37, chapter 47, part 3, is not required to have a Class D-4 license.

(7) After recovering the costs associated with license administration, the department shall use revenue collected from the sale of licenses pursuant to this section for the management, conservation, and monitoring of mountain lions.

~~(8) The cost of the Class D-4 license must be adjusted annually based on any change to the consumer price index from the previous year. The consumer price index to be used for calculations is the consumer price index for all urban consumers (CPI-U). The adjusted cost must be rounded down to the nearest even-numbered amount."~~

Section 8. Section 87-2-513, MCA, is amended to read:

"87-2-513. Either-sex or antlerless elk license or permit for landowner who offers free public elk hunting – terms, conditions, and issuance. (1) For wildlife management purposes, the department may issue, at no cost to a landowner who provides free public elk hunting on the landowner's property and pursuant to this section, an either-sex or antlerless elk license, permit, or combination thereof as required in that hunting district for the landowner or the landowner's designee to hunt on the landowner's property. A designee may be an immediate family member or an authorized full-time employee of the landowner.

(2) To be eligible for a license or permit pursuant to this section, a landowner:

(a) must own occupied elk habitat that is large enough, in the department's determination, to accommodate successful public hunting;

(b) may not have been issued a Class A-7 landowner license pursuant to 87-2-501(3) during the license year;

(c) must have entered into a contractual public elk hunting access agreement with the department in accordance with subsection (7) that allows public access for free public elk hunting on the landowner's property throughout the regular hunting season; and

(d) may not charge a fee or authorize a person to charge a fee for hunting access on the landowner's property.

(3) For every ~~four~~ *three* members of the public allowed to hunt under the contractual public elk hunting access agreement, the department may issue one license, permit, or combination thereof pursuant to subsection (1). The department may limit the total number of licenses and permits issued under this section.

(4) A license or permit issued pursuant to this section:

- (a) is nontransferable and may not be sold or bartered; and
- (b) may only be used for hunting conducted on property that is opened to public access pursuant to this section.

(5) The department may prioritize distribution of licenses or permits under subsection (1) according to the areas the department determines are most in need of management.

(6) If the department determines that a landowner or landowner's designee has not abided by the restrictions and conditions of a license or permit issued pursuant to this section, that landowner or landowner's designee is not eligible to receive another license or permit pursuant to this section during any subsequent license year.

(7) (a) A contractual public elk hunting access agreement must define the areas that will be open to public elk hunting, the number of public elk hunting days that will be allowed on the property, and other factors that the department and the landowner consider necessary for the proper management of elk on the landowner's property. The agreement must *include a process or methodology the landowner may use to select up to one-third of the public hunters required by subsection (3) and must* reserve the right of the landowner to deny access to the landowner's property by a public hunter selected pursuant to subsection (7)(b) for cause, including but not limited to intoxication, violation of landowner conditions for use of the property, or previous misconduct on a landowner's property.

(b) ~~The~~ *Except for public hunters selected by the landowner pursuant to subsection (7)(a), the* department shall select public hunters eligible to hunt on the landowner's property through a random drawing of holders of existing licenses or permits in that hunting district."

Section 9. Section 87-2-702, MCA, is amended to read:

"87-2-702. Restrictions on special licenses – availability of bear and mountain lion licenses. (1) A person who has killed or taken any game animal, except a deer, an elk, or an antelope, during the current license year is not permitted to receive a special license under this chapter to hunt or kill a second game animal of the same species.

(2) The commission may require applicants for special permits authorized by this chapter to obtain a valid big game license for that species for the current year prior to applying for a special permit.

(3) Except as provided in 87-2-815, a person may take only one grizzly bear in Montana with a license authorized by 87-2-701.

(4) (a) Except as provided in 87-1-271(2) and 87-2-815, a person who receives a moose, mountain goat, or limited mountain sheep license, as authorized by 87-2-701, with the exception of an antlerless moose or an adult ewe game management license issued under 87-2-104, is not eligible to receive another special license for that species for the next 7 years. For the purposes of this subsection (4)(a), "limited mountain sheep license" means a license that is valid for an area in which the number of licenses issued is restricted.

(b) (i) Except as provided in 87-1-271(2) and 87-2-815, a person who takes a legal ram mountain sheep with at least one horn that is equal to or greater than a three-fourths curl using an unlimited mountain sheep license or a population management license issued pursuant to 87-2-701 is not eligible

to receive another special license for that species for the next 7 years. For the purposes of this subsection (4)(b)(i), “unlimited mountain sheep license” means a license that is valid for an area in which the number of licenses issued is not restricted.

(ii) Before September 1 of each even-numbered year, the department shall report to the environmental quality council information on:

(A) mountain sheep harvested pursuant to this subsection (4) from the Tendoy Mountain herd;

(B) efforts to collect tissue samples and other biological information from mountain sheep harvested from the Tendoy Mountain herd to determine the immunity of surviving herd members to pneumonia outbreaks; and

(C) attempts by the department to share tissue samples and other biological information collected from the Tendoy Mountain herd with Washington State University, other public entities, and private entities that research the interaction between mountain sheep and domestic sheep.]

(5) An application for a wild buffalo or bison license must be made on the same form and is subject to the same license application deadline as the special license for moose, mountain goat, and mountain sheep.

~~(6) (a) Licenses for spring bear hunts must be available for purchase at department offices after April 15 of any license year. However, a person who purchases a license for a spring bear hunt after April 15 of any license year may not use the license until 24 hours after the license is issued.~~

~~(b) Licenses for fall bear hunts must be available for purchase at department offices after August 31 of any license year. However, a person who purchases a license for a fall bear hunt after August 31 of any license year may not use the license until 24 hours after the license is issued.~~

~~(7) Licenses for mountain lion hunts must be available for purchase at department offices after August 31 of any license year. However, a person who purchases a license for a mountain lion hunt after August 31 of any license year may not use the license until 5 days after the license is issued. (Bracketed language in (4)(b) terminates July 1, 2027--sec. 3, Ch. 186, L. 2017)."~~

Section 10. Section 87-2-810, MCA, is amended to read:

“87-2-810. Apprentice hunting certificate. (1) A person who is 10 years of age or older and who has not completed a hunter safety and education course pursuant to 87-2-105 is eligible to ~~apply for~~ *use* an apprentice hunting certificate that entitles the holder to obtain and use hunting licenses and permits in accordance with this title and the provisions of this section.

(2) A person may obtain an apprentice hunting certificate for no more than 2 license years before the person ~~must~~ *shall* complete a Montana hunter safety and education course pursuant to 87-2-105. Completing a Montana hunter safety and education course prior to turning 12 years of age does not preclude a person who is at least 10 years of age from being eligible to obtain and use hunting licenses pursuant to this section. As used in this subsection, “completing a Montana hunter safety and education course” means passing a hunter safety and education course or a bowhunter education course provided pursuant to 87-2-105(4) through (6), including the required test and field day.

(3) A person who obtains an apprentice hunting certificate must be in the company of a mentor when hunting and shall conduct all hunting in accordance with this section and within the terms and conditions of the license or permit issued.

(4) To qualify as a mentor who will accompany an apprentice hunter, a person must:

(a) be at least 21 years of age;

(b) if the apprentice hunter is under 18 years of age, be related to the apprentice hunter by blood, adoption, or marriage, be the legal guardian of the apprentice hunter, or be a person designated by a parent or legal guardian as being capable and qualified to assist the apprentice hunter;

(c) have completed a hunter safety and education course pursuant to 87-2-105;

(d) have a current Montana hunting license;

(e) have agreed to accompany and supervise the apprentice hunter and remain within sight of and direct voice contact with the apprentice hunter at all times while in the field; and

(f) confirm that the apprentice hunter possesses the physical and psychological capacity to safely and ethically engage in hunting activities.

(5) Subject to the conditions of this section, the department shall issue an apprentice hunting certificate upon payment of a fee of \$5. This fee must be deposited in the state special revenue fund account to the credit of the department for hunter education purposes.

(6) The department shall issue an apprentice hunting certificate that allows an apprentice hunter to be accompanied by multiple mentors.

(7) Except as provided in subsection (8), a person who obtains an apprentice hunting certificate may purchase any unlimited hunting license or permit by any applicable deadline for the fee established pursuant to this chapter, including:

(a) a reduced cost license for which the applicant qualifies. An apprentice hunter who is under 12 years of age is eligible to obtain the unlimited reduced cost licenses available to a person who is 12 years of age.

(b) a wild turkey tag if it is issued in an unlimited number.

(8) A person who obtains an apprentice hunting certificate is not eligible:

(a) to obtain a Class A-2 special bow and arrow license without having:

(i) completed a bowhunter education course; and

(ii) turned 12 years of age by January 16 of the license year;

(b) to obtain a black bear license;

(c) to obtain a mountain lion license;

(d) to obtain a Class D-3 resident hound training license;

(e) to obtain a wolf license;

(f) to participate in a drawing with a limited quota;

(g) to obtain a mountain sheep license in any area where the licenses are issued in unlimited numbers; or

(h) to obtain an elk license if the apprentice hunter is under 15 years of age.

(9) An apprentice hunter who violates the terms of this section or a mentor who violates the terms of this section while accompanying an apprentice hunter is subject to the loss of privileges granted by this section for up to one full license season."

Section 11. Section 87-4-502, MCA, is amended to read:

"87-4-502. Size, location, and posting of preserves. Operating licenses or permits may be issued to any person, partnership, association, or corporation for the operation of shooting preserves that meet the following requirements:

(1) Each shooting preserve must be restricted to not more than ~~1,920~~ 2,560 contiguous acres and must be located in areas that will not substantially reduce hunting areas available to the public as determined by the department.

(2) The exterior boundaries of each shooting preserve must be clearly defined and posted with signs erected around the extremity at intervals of 250 feet or less."

Section 12. Section 87-4-522, MCA, is amended to read:

"87-4-522. Game hunted in preserve. (1) Game that may be hunted under this part must be confined to artificially propagated ring-necked pheasants with no color mutations, chukar partridges, Merriam's turkeys, Hungarian partridges, and other species authorized by the department.

(2) A minimum of 100 birds cumulative of all species authorized ~~for to be~~ *hunted* in an individual shooting preserve must be released each year on the licensed area during the shooting preserve season.

(3) Artificially propagated upland game birds released on a shooting preserve during the shooting preserve season must be at least 14 weeks of age and must be marked prior to release in a manner that distinguishes them from wild upland game birds.

(4) *For each shooting preserve season, a shooting preserve operator shall maintain a record of the total number, by species and source, of artificially propagated upland game birds released and harvested and the number of wild upland game birds harvested in the preserve. The record must be open to inspection by a delegated representative of the department at any reasonable time and must be the basis on which the game-recovery limits in 87-4-523 are determined."*

Section 13. Section 87-4-530, MCA, is amended to read:

"87-4-530. Use of temporary holding pens. (1) During the shooting preserve season established in 87-4-521, artificially propagated *upland game* birds may be held in temporary holding pens for up to 60 120 days after being delivered to a shooting preserve to acclimate them to the shooting preserve environment.

(2) Any bird held in a temporary holding pen that has not been released on the shooting preserve may not be sold without obtaining a game bird farm license under Title 87, chapter 4, part 9."

Section 14. Section 87-5-131, MCA, is amended to read:

"87-5-131. Process for delisting of gray wolf – management following delisting. (1) If the United States fish and wildlife service removes the Northern Rocky Mountain or gray wolf from the United States' list of endangered or threatened wildlife, the department is authorized to remove the wolf from the state list of endangered species upon a determination by the department pursuant to this part that the wolf is no longer endangered.

(2) Following state delisting of the wolf, the department shall manage the wolf as a species in need of management until the department and the commission determine that the wolf no longer needs protection as a species in need of management and can be managed and protected as a game animal *or* *furbearer*. Upon making that determination, the commission may declare the wolf a **big** game animal or a *furbearer* and may regulate the taking of a wolf as a **big** game animal or *furbearer*.

(3) (a) Following state delisting of the wolf, the department, or the department of livestock, pursuant to 81-7-102 and 81-7-103, may control wolves for the protection and safeguarding of livestock if the control action is consistent with a wolf management plan approved by both the department and the department of livestock.

(b) Any wolf management plan approved by the department and the department of livestock must allow the issuance of special kill permits, also known as shoot-on-sight written take authorizations, by the department to landowners or public land permittees who have experienced livestock depredation."

Section 15. Unlawful harassment of game animals and game birds with vehicle or device. (1) A person may not concentrate, drive, rally, stir

up, run, molest, flush, herd, chase, harass, or impede the movement of or attempt to concentrate, drive, rally, stir up, run, molest, flush, herd, chase, harass, or impede the movement of a game animal or game bird from or with the use or aid of a self-propelled, motor-driven, or drawn vehicle or device. This section does not apply to landowners and their authorized agents engaged in the immediate protection of that landowner's property.

(2) The following penalties apply for a violation of this section:

(a) A person convicted of or who forfeits bond or bail after being charged with a violation of this section shall be fined not less than \$50 or more than \$1,000 or be imprisoned in the county detention center for not more than 6 months, or both. In addition, the person may be subject to forfeiture of any current hunting, fishing, or trapping license issued by this state and the privilege to hunt, fish, and trap in this state or to use state lands, as defined in 77-1-101, for recreational purposes for a period of time set by the court.

(b) A person convicted of or who forfeits bond or bail after being charged with a second or subsequent violation of this section within 5 years shall be fined not less than \$500 or more than \$1,000 or be imprisoned for not more than 6 months, or both. In addition, the person shall forfeit any current hunting, fishing, or trapping license issued by this state and the privilege to hunt, fish, and trap in this state for 24 months from the date of conviction or forfeiture of bond or bail unless the court imposes a longer period.

Section 16. Section 87-6-207, MCA, is amended to read:

"87-6-207. Unlawful use of boat. (1) A person may not use a ~~powerboat, sailboat, or any boat under sail or any floating device towed by a powerboat, sailboat, or any boat under sail~~ motorboat or a sailboat as defined in 23-2-502 for the purpose of killing, capturing, taking, pursuing, concentrating, driving, or stirring up any upland game bird, *migratory bird*, game animal, or fur-bearing animal *until the motor is shut off or the sails are furled and the progress of the vessel has ceased.*

(2) The following penalties apply for a violation of this section:

(a) Unless otherwise provided in this subsection (2), a person convicted of a violation of this section shall be fined not less than \$50 or more than \$1,000 or be imprisoned in the county detention center for not more than 6 months, or both. In addition, the person, upon conviction or forfeiture of bond or bail, may be subject to forfeiture of any current hunting, fishing, or trapping license issued by this state and the privilege to hunt, fish, or trap in this state or to use state lands, as defined in 77-1-101, for recreational purposes for a period of time set by the court.

(b) If a person is convicted or forfeits bond or bail after being charged with unlawful use of a boat to kill or take a mountain sheep, moose, wild buffalo, caribou, mountain goat, black bear, or grizzly bear, the person shall be fined not less than \$500 or more than \$2,000 or be imprisoned in the county detention center for not more than 6 months, or both. In addition, the person shall forfeit any current hunting, fishing, recreational use, or trapping license issued by this state and the privilege to hunt, fish, or trap in this state for 30 months from the date of conviction or forfeiture unless the court imposes a longer period.

(c) If a person is convicted or forfeits bond or bail after being charged with unlawful use of a boat to kill or take a deer, antelope, elk, or mountain lion, the person shall be fined not less than \$300 or more than \$1,000 or be imprisoned in the county detention center for not more than 6 months, or both. In addition, the person shall forfeit any current hunting, fishing, recreational use, or trapping license issued by this state and the privilege to hunt, fish, or

trap in this state for 24 months from the date of conviction or forfeiture unless the court imposes a longer period.

(d) If a person is convicted or forfeits bond or bail after being charged with unlawful use of a boat to kill or take a fur-bearing animal, the person shall be fined not less than \$100 or more than \$1,000 or be imprisoned in the county detention center for not more than 6 months, or both. In addition, the person shall forfeit any current hunting, fishing, recreational use, or trapping license issued by this state and the privilege to hunt, fish, or trap in this state for 24 months from the date of conviction or forfeiture unless the court imposes a longer period, and any pelts possessed unlawfully must be confiscated."

Section 17. Section 87-6-401, MCA, is amended to read:

"87-6-401. Unlawful use of equipment while hunting. (1) A person may not:

(a) hunt or attempt to hunt any game animal or game bird by the aid or with the use of any snare, except as allowed in 87-3-127 and 87-3-128, set gun, projected artificial light, trap, salt lick, or bait;

(b) use any recorded or electrically amplified bird or animal calls or sounds or recorded or electrically amplified imitations of bird or animal calls or sounds to ~~assist in the hunting, taking, killing, or capturing of~~ *hunt* wildlife except for predatory animals, wolves, and those birds not protected by state or federal law;

(c) while hunting, ~~take into a field or forest or have in the person's possession~~ *use* any device or mechanism devised to silence, muffle, or minimize the report of any firearm, whether the device or mechanism is operated from or attached to any firearm. This subsection (1)(c) does not prohibit the use of a device or mechanism registered with the bureau of alcohol, tobacco, firearms and explosives to silence, muffle, or minimize the report of a firearm when hunting wildlife.

(d) while hunting, ~~possess~~ *use* any electronic motion-tracking device or mechanism, as defined by commission rule, that is designed to track the motion of a game animal and relay information on the animal's movement to the hunter. A radio-tracking collar attached to a dog that is used by a hunter engaged in lawful hunting activities is not considered a motion-tracking device or mechanism for purposes of this subsection (1)(d).

(e) while hunting, use archery equipment that has been prohibited by rule of the commission;

(f) use a shotgun to hunt deer or elk except with weapon type and loads as specified by the department;

(g) use a rifle to hunt or shoot upland game birds unless the use of rifles is permitted by the department. This does not prohibit the shooting of wild waterfowl from blinds over decoys with a shotgun only, not larger than a number 10 gauge, fired from the shoulder.

(h) use a rifle to hunt or shoot wild turkey during the spring wild turkey season.

(2) A person convicted of a violation of this section shall be fined not less than \$50 or more than \$1,000 or be imprisoned in the county detention center for not more than 6 months, or both. In addition, the person, upon conviction or forfeiture of bond or bail, may be subject to forfeiture of any current hunting, fishing, or trapping license issued by this state and the privilege to hunt, fish, or trap in this state or to use state lands, as defined in 77-1-101, for recreational purposes for a period of time set by the court.

(3) A person convicted of hunting while using projected artificial light as described in subsection (1)(a) may be subject to the additional penalties provided in 87-6-901 through 87-6-903.

(4) A violation of this section may also result in an order to pay restitution pursuant to 87-6-905 through 87-6-907.”

Section 18. Section 87-6-402, MCA, is amended to read:

“87-6-402. Unlawful hunting within city or town. (1) A person may not hunt or attempt to hunt any *deer game animal* within the boundaries of any incorporated or unincorporated city or town of this state except as allowed under a plan developed by a city or town and approved by the department pursuant to 7-3-1105, 7-3-1222, or 7-31-4110.

(2) A person convicted of a violation of this section shall be fined not less than \$50 or more than \$1,000 or be imprisoned in the county detention center for not more than 6 months, or both. In addition, the person, upon conviction or forfeiture of bond or bail, may be subject to forfeiture of any current hunting, fishing, or trapping license issued by this state and the privilege to hunt, fish, or trap in this state or to use state lands, as defined in 77-1-101, for recreational purposes for a period of time set by the court.

(3) A violation of this section may also result in an order to pay restitution pursuant to 87-6-905 through 87-6-907.”

Section 19. Section 87-6-404, MCA, is amended to read:

“87-6-404. Unlawful use of dog while hunting. (1) Except as provided in subsections (3) through (6), a person may not:

(a) chase any game animal or fur-bearing animal with a dog; or

(b) purposely, knowingly, or negligently permit a dog to chase, stalk, pursue, attack, or kill a hooved game animal. If the dog is not under the control of an adult at the time of the violation, the owner of the dog is personally responsible. A defense that the dog was allowed to run at large by another person is not allowable unless it is shown that at the time of the violation, the dog was running at large without the consent of the owner and that the owner took reasonable precautions to prevent the dog from running at large.

(2) Except as provided in subsection (3)(f), a peace officer, game warden, or other person authorized to enforce the Montana fish and game laws who witnesses a dog chasing, stalking, pursuing, attacking, or killing a hooved game animal may destroy that dog on public land or on private land at the request of the landowner without criminal or civil liability.

(3) A person may:

(a) take game birds during the appropriate open season with the aid of a dog;

(b) hunt mountain lions during the winter open season, as established by the commission, with the aid of a dog or dogs;

(c) hunt bobcats during the trapping season, as established by the commission, with the aid of a dog or dogs;

(d) train bird hunting dogs pursuant to the requirements of 87-3-602;

(e) conduct field trials for bird hunting dogs pursuant to the requirements of 87-3-603 or on private land; and

(f) use trained or controlled dogs to chase or herd away game animals or fur-bearing animals to protect humans, lawns, gardens, livestock, or agricultural products, including growing crops and stored hay and grain. The dog may not be destroyed pursuant to subsection (2).

(4) A resident who possesses a Class D-3 resident hound training license may pursue mountain lions and bobcats with a dog or dogs during a training season from December 2 of each year to April 14 of the following year.

(5) A nonresident who possesses a Class D-4 hound handler license may pursue mountain lions with a dog or dogs pursuant to 87-2-519.

(6) (a) A person with a valid hunting license issued pursuant to Title 87, chapter 2, may use a dog to track a wounded game animal during an appropriate open season. Any person using a dog in this manner:

(i) shall maintain physical control of the dog at all times by means of a maximum 50-foot lead attached to the dog's collar or harness;

(ii) during the general season, whether handling or accompanying the dog, shall wear hunter orange material pursuant to 87-6-414;

(iii) may carry any weapon allowed by law;

(iv) may dispose of the wounded game animal using any weapon allowed by the valid hunting license; and

(v) shall tag an animal that has been reduced to possession in accordance with 87-6-411.

(b) Dog handlers tracking a wounded game animal with a dog are exempt from licensing requirements under Title 87, chapter 2, as long as they are accompanied by the licensed hunter who wounded the game animal.

(7) A person who is convicted of or who forfeits bond or bail after being charged with a violation of this section shall be fined not less than \$50 or more than \$1,000 or be imprisoned in the county detention center for not more than 6 months, or both. In addition, the person, upon conviction or forfeiture of bond or bail, may be subject to forfeiture of any current hunting, fishing, or trapping license issued by this state and the privilege to hunt, fish, and trap in this state or to use state lands, as defined in 77-1-101, for recreational purposes for a period of time set by the court.

(8) A violation of this section may also result in an order to pay restitution pursuant to 87-6-905 through 87-6-907."

Section 20. Section 87-6-405, MCA, is amended to read:

"87-6-405. Unlawful use of vehicle while hunting. (1) Except as provided in 87-2-803, a person may not hunt or attempt to hunt any game animal or game bird from any self-propelled, motor-driven, or drawn vehicle. For the purposes of this section, the term "hunt" does not include:

(a) spotting game from a vehicle; or

(b) if hunting on, from, or across a road or trail or the shoulder, berm, or barrow pit right-of-way of a road or trail that is not a public highway, as defined in 61-1-101, a person who has both feet on the ground and whose body is outside of a vehicle.

(2) *A While hunting* a person may not:

~~(a) concentrate, drive, rally, stir up, run, molest, flush, herd, chase, harass, or impede the movement of or attempt to concentrate, drive, rally, stir up, run, molest, flush, herd, chase, harass, or impede the movement of a game animal or game bird from or with the use or aid of a self-propelled, motor-driven, or drawn vehicle. This subsection (2)(a) does not apply to landowners and their authorized agents engaged in the immediate protection of that landowner's property.~~

~~(b)(a)~~ use a motor-driven vehicle other than on a road or trail designated for travel by a landowner unless permission has been given by that landowner;

~~(c)(b)~~ use a motor-driven vehicle on a road or trail on state land if that road or trail is posted as closed by the land management agency unless permission has been given by that land management agency. The restriction in this subsection ~~(2)(c)~~ ~~(2)(b)~~ applies only to state land and not to federal land.

~~(c)~~ use a motor-driven vehicle off-road on state land.

(3) The following penalties apply for a violation of this section:

(a) A person convicted of or who forfeits bond or bail after being charged with a violation of subsection (1) shall be fined not less than \$50 or more than \$1,000 or be imprisoned in the county detention center for not more than 6

months, or both. In addition, the person shall forfeit any current hunting, fishing, or trapping license issued by this state and the privilege to hunt, fish, and trap in this state for 24 months from the date of conviction or forfeiture of bond or bail unless the court imposes a longer period.

(b) A person convicted of or who forfeits bond or bail after being charged with a violation of subsection (2) shall be fined not less than \$50 or more than \$1,000 or be imprisoned in the county detention center for not more than 6 months, or both. In addition, the person may be subject to forfeiture of any current hunting, fishing, or trapping license issued by this state and the privilege to hunt, fish, and trap in this state or to use state lands, as defined in 77-1-101, for recreational purposes for a period of time set by the court.

~~(c) A person convicted of or who forfeits bond or bail after being charged with a second or subsequent violation of subsection (2)(a) within 5 years shall be fined not less than \$500 or more than \$1,000 or be imprisoned for not more than 6 months, or both. In addition, the person shall forfeit any current hunting, fishing, or trapping license issued by this state and the privilege to hunt, fish, and trap in this state for 24 months from the date of conviction or forfeiture of bond or bail unless the court imposes a longer period.~~

(4) A violation of this section may also result in an order to pay restitution pursuant to 87-6-905 through 87-6-907."

Section 21. Section 87-6-412, MCA, is amended to read:

"87-6-412. Tagging of turkey offenses. (1) A person who kills, captures, or possesses a wild turkey by authority of any turkey tag or permit may not:

(a) fail or neglect to attach the tag to the turkey in compliance with instructions on the tag or to electronically validate the tag in accordance with rules adopted pursuant to 87-2-119 prior to the person leaving or the turkey being removed from the site of the kill;

(b) fail to validate the tag either electronically or by not filling out or punch marking the tag as required; ~~or~~

(c) unless the tag was electronically validated, fail to keep the tag attached while the turkey is possessed by the person; *or*

(d) tag a turkey with or electronically validate a license or tag that is restricted to a hunting district other than the hunting district where the turkey was killed.

(2) A person who is convicted of or who forfeits bond or bail after being charged with a violation of this section shall be fined not less than \$50 or more than \$1,000 or be imprisoned in the county detention center for not more than 6 months, or both. In addition, the person, upon conviction or forfeiture of bond or bail, may be subject to forfeiture of any current hunting, fishing, or trapping license issued by this state and the privilege to hunt, fish, and trap in this state or to use state lands, as defined in 77-1-101, for recreational purposes for a period of time set by the court."

Section 22. Section 87-6-706, MCA, is amended to read:

"87-6-706. Shooting preserve offenses. (1) A person may not:

(a) hunt on a shooting preserve without obtaining a license pursuant to 87-4-504; or

(b) harvest game on a shooting preserve without tagging the game pursuant to 87-4-525.

~~(2) Each shooting preserve operator shall keep records in accordance with 87-4-526~~ 87-4-522.

(3) A person convicted of a violation of this section shall be fined not less than \$50 or more than \$1,000 or be imprisoned in the county detention center for not more than 6 months, or both. In addition, the person, upon conviction or forfeiture of bond or bail, may be subject to forfeiture of any current hunting,

fishing, or trapping license issued by this state and the privilege to hunt, fish, or trap in this state or to use state lands, as defined in 77-1-101, for recreational purposes for a period of time set by the court.”

Section 23. One-time issuance of Class B-10 and Class B-11 licenses for nonresidents hunting with licensed outfitters. (1) The department of fish, wildlife, and parks shall issue, for the requisite fee, the applicable Class B-10 or Class B-11 license to a nonresident who booked a trip for the 2021 license year with an outfitter licensed pursuant to Title 37, chapter 47, part 3, prior to April 1, 2021, but was unsuccessful in the drawing for a 2021 Class B-10 or Class B-11 license.

(2) To be eligible to obtain a license pursuant to this section, the nonresident:

- (a) shall apply to obtain the license prior to August 30, 2021; and
- (b) shall provide as proof of the booking a reservation record or contract or a deposit payment verification using a credit card record or cancelled check.
- (3) A nonresident issued a license pursuant to this section:
 - (a) forfeits the person’s accumulated preference points; and
 - (b) is not eligible to receive any limited special permit for which the person was also unsuccessful in drawing.

(4) Fees collected for licenses issued pursuant to this section must be allocated in the same manner and used by the department for the same purposes as provided in [section 6(9)].

Section 24. Transfer of ownership interest in commercial licenses. Unless otherwise specifically provided in this chapter, the sale or transfer of an ownership interest in an incorporated entity that holds a commercial license issued pursuant to this chapter does not constitute a transfer of the license so long as the license remains in the name of the incorporated entity.

Section 25. Repealer. The following sections of the Montana Code Annotated are repealed:

- 87-1-296. Funding agreement limits -- administrative costs.
- 87-1-297. Rulemaking authority.
- 87-1-505. Warden’s power in protection of private property.
- 87-4-526. Shooting preserve records.

Section 26. Appropriation. (1) Subject to the provisions of subsection (2), for the biennium beginning July 1, 2021, in each fiscal year there is appropriated to the department of fish, wildlife, and parks for the purchase of pheasants to be released on state lands the following:

(a) \$500,000 from the state special revenue fund established in 87-1-601; and

(b) \$500,000 from the federal special revenue fund established in 87-1-601.

(2) If federal funds are received by the department of fish, wildlife, and parks for pheasant releases in excess of the federal special revenue appropriation provided in subsection (1), the state special revenue appropriation must be decreased by a commensurate amount and the federal special revenue appropriation must be increased by a commensurate amount.

(3) The legislature intends that the appropriations in this section be considered a part of the ongoing base for the 2023 legislative session.

Section 27. Appropriation. (1) For the biennium beginning July 1, 2021, in each fiscal year there is appropriated to the department of fish, wildlife, and parks for the implementation of [section 2] \$350,000 from the federal special revenue fund established in 87-1-601.

(2) The legislature intends that the appropriations in this section be considered a part of the ongoing base for the 2023 legislative session.

Section 28. Codification instruction. (1) [Section 15] is intended to be codified as an integral part of Title 87, chapter 6, part 1, and the provisions of Title 87, chapter 6, part 1, apply to [section 15].

(2) [Section 24] is intended to be codified as an integral part of Title 87, chapter 4, and the provisions of Title 87, chapter 4, apply to [section 24].

Section 29. Coordination instruction. If House Bill No. 468 and [this act] are passed and approved, then [section 7 of this act], amending 87-2-519, terminates September 30, 2021, and the following amendments to 87-2-519 are effective October 1, 2021:

“87-2-519. Class D-4—nonresident hound handler license. (1) Except as provided in subsections (5) and (6), in order for a nonresident ~~hound handler~~ to use a dog or dogs to aid in the pursuit *or harvest* of mountain lions *or black bears*, the nonresident ~~hound handler must shall~~ first purchase, for a fee of ~~\$500~~ *\$250*, a Class D-4 nonresident hound ~~handler~~ license. To be eligible, the nonresident must be:

(a) at least 18 years of age or older or turn 18 years of age before or during the season for which the license is issued; and

(b) a holder of a nonresident wildlife conservation license and a Class D-1 nonresident mountain lion license *or a special nonresident black bear license*.

(2) Not more than ~~35~~ *80* Class D-4 licenses may be sold in any 1 license year.

(3) A Class D-4 license must be used as authorized by this section and any rule adopted by the department or commission.

(4) A holder of a Class D-4 license may only pursue mountain lions *or black bears* for the purpose of personally harvesting ~~a mountain lion an animal~~ and may not assist any other person in the pursuit of a lion *or bear* for harvest.

(5) A nonresident is not required to have a Class D-4 license to use a dog or dogs to aid in the pursuit or harvest of mountain lions *or black bears* when the nonresident:

(a) is hunting with an outfitter licensed pursuant to Title 37, chapter 47, part 3; *or*

(b) *is a nonresident landowner who owns 640 or more contiguous acres. Nonpaying guests of the nonresident landowner may also hunt and pursue mountain lions or black bears on the landowner's property and any adjacent public land within 2 miles of the landowner's property without a Class D-4 license.*

(6) A nonresident outfitter or guide licensed pursuant to Title 37, chapter 47, part 3, is not required to have a Class D-4 license.

(7) After recovering the costs associated with license administration, the department shall use revenue collected from the sale of licenses pursuant to this section for the management, conservation, and monitoring of mountain lions *and black bears*.

~~(8) The cost of the Class D-4 license must be adjusted annually based on any change to the consumer price index from the previous year. The consumer price index to be used for calculations is the consumer price index for all urban consumers (CPI-U). The adjusted cost must be rounded down to the nearest even-numbered amount.”~~

Section 30. Coordination instruction. If House Bill No. 468 and [this act] are passed and approved, then [section 2 of House Bill No. 468], amending 87-6-404, is void, [section 19 of this act], amending 87-6-404, terminates September 30, 2021, and the following amendments to 87-6-404 are effective October 1, 2021:

“87-6-404. Unlawful use of dog while hunting. (1) Except as provided in subsections (3) through (6), a person may not:

(a) chase any game animal or fur-bearing animal with a dog; or

(b) purposely, knowingly, or negligently permit a dog to chase, stalk, pursue, attack, or kill a hooved game animal. If the dog is not under the control of an adult at the time of the violation, the owner of the dog is personally responsible. A defense that the dog was allowed to run at large by another person is not allowable unless it is shown that at the time of the violation, the dog was running at large without the consent of the owner and that the owner took reasonable precautions to prevent the dog from running at large.

(2) Except as provided in subsection (3)(f), a peace officer, game warden, or other person authorized to enforce the Montana fish and game laws who witnesses a dog chasing, stalking, pursuing, attacking, or killing a hooved game animal may destroy that dog on public land or on private land at the request of the landowner without criminal or civil liability.

(3) A person may:

(a) take game birds during the appropriate open season with the aid of a dog;

(b) hunt mountain lions during the winter open season, as established by the commission, with the aid of a dog or dogs;

(c) hunt bobcats during the trapping season, as established by the commission, with the aid of a dog or dogs;

(d) *subject to subsection (5), hunt black bears during the spring season with the aid of a dog or dogs as authorized by the commission;*

~~(d)~~(e) train bird hunting dogs pursuant to the requirements of 87-3-602;

~~(e)~~(f) conduct field trials for bird hunting dogs pursuant to the requirements of 87-3-603 or on private land; and

~~(f)~~(g) use trained or controlled dogs to chase or herd away game animals or fur-bearing animals to protect humans, lawns, gardens, livestock, or agricultural products, including growing crops and stored hay and grain. The dog may not be destroyed pursuant to subsection (2).

(4) A resident who possesses a Class D-3 resident hound training license may:

(a) pursue mountain lions and bobcats with a dog or dogs during a training season from December 2 of each year to April 14 of the following year; *and*

(b) *pursue black bears with a dog or dogs during a training season from the end of the spring season for black bear through June 15 of that year as authorized by the commission.*

(5) A nonresident who possesses a Class D-4 hound *handler* license may pursue mountain lions *or black bears* with a dog or dogs pursuant to 87-2-519.

(6) (a) A person with a valid hunting license issued pursuant to Title 87, chapter 2, may use a dog to track a wounded game animal during an appropriate open season. Any person using a dog in this manner:

(i) shall maintain physical control of the dog at all times by means of a maximum 50-foot lead attached to the dog's collar or harness;

(ii) during the general season, whether handling or accompanying the dog, shall wear hunter orange material pursuant to 87-6-414;

(iii) may carry any weapon allowed by law;

(iv) may dispose of the wounded game animal using any weapon allowed by the valid hunting license; and

(v) shall tag an animal that has been reduced to possession in accordance with 87-6-411.

(b) Dog handlers tracking a wounded game animal with a dog are exempt from licensing requirements under Title 87, chapter 2, as long as they are accompanied by the licensed hunter who wounded the game animal.

(7) A person who is convicted of or who forfeits bond or bail after being charged with a violation of this section shall be fined not less than \$50 or more than \$1,000 or be imprisoned in the county detention center for not more than 6 months, or both. In addition, the person, upon conviction or forfeiture of bond or bail, may be subject to forfeiture of any current hunting, fishing, or trapping license issued by this state and the privilege to hunt, fish, and trap in this state or to use state lands, as defined in 77-1-101, for recreational purposes for a period of time set by the court.

(8) A violation of this section may also result in an order to pay restitution pursuant to 87-6-905 through 87-6-907.”

Section 31. Coordination instruction. If both House Bill No. 353 and [this act] are passed and approved, then the provisions of House Bill No. 353 apply retroactively to special moose licenses issued on or after March 1, 2019. A person who is eligible to receive a replacement license pursuant to this section may only receive the replacement license in the 2021 license year.

Section 32. Effective dates. (1) Except as provided in subsection (2), [this act] is effective May 15, 2021.

(2) [Section 6] is effective March 1, 2022.

Approved May 14, 2021

CHAPTER NO. 553

[HB 648]

AN ACT GENERALLY REVISING NATURAL RESOURCE LAWS; CREATING NATURAL RESOURCE-RELATED INVESTIGATION PROGRAMS; PROVIDING FOR A STUDY OF ECONOMIC IMPACTS OF COST DISALLOWANCES; EXEMPTING CERTAIN CHANGES FROM THE MAJOR FACILITY SITING ACT; PROVIDING AN APPROPRIATION; AMENDING SECTIONS 75-20-213 AND 75-20-219, MCA; AND PROVIDING AN EFFECTIVE DATE, A RETROACTIVE APPLICABILITY DATE, AND A TERMINATION DATE.

Be it enacted by the Legislature of the State of Montana:

Section 1. Hydrocarbon and geology investigation program – purpose – grants. (1) The bureau of mines and geology shall establish a hydrocarbon and geology investigation program to determine the existence of oil and gas deposits in the state. The purposes of the program are to determine if new methods of oil and gas production will improve production in existing oil and gas fields and to locate new fields containing oil and gas resources.

(2) In prioritizing areas to investigate, the bureau of mines and geology shall first consider counties where there exists historical evidence of oil and gas production, including the counties of Blaine, Carter, Chouteau, Custer, Daniels, Dawson, Fallon, Fergus, Garfield, Glacier, Hill, Liberty, McCone, Musselshell, Petroleum, Phillips, Pondera, Powder River, Prairie, Richland, Roosevelt, Rosebud, Sheridan, Teton, Toole, Treasure, Valley, and Yellowstone.

(3) The bureau of mines and geology may start an investigation when it has sufficient funds to conduct an investigation or in other circumstances the bureau determines appropriate.

(4) (a) Within 1 year of starting an investigation, the bureau of mines and geology shall present the results of the investigation in the form of maps and text to:

- (i) the counties included in the investigation;
- (ii) the economic affairs interim committee; and
- (iii) the environmental quality council.

(b) After the establishment of the program, the bureau of mines and geology shall report to the legislature in accordance with 5-11-210.

(5) (a) To fulfill the requirements of subsections (1) and (2), the bureau of mines and geology may provide grants to faculty or students of any institution of higher education in the state in the areas of geology, geohydrology, civil engineering, chemical engineering, mechanical engineering, mining engineering, and petroleum engineering.

(b) The bureau of mines and geology shall provide notice of available grants to all institutions of higher education in the state and post notice on its website.

(c) Grant recipients pursuant to this subsection (5) shall report progress to the bureau of mines and geology at least twice a year in a manner determined by the bureau.

(6) The bureau of mines and geology may accept appropriations, gifts, grants, and reimbursements to be used for the purposes of this section.

Section 2. Coal ash markets investigation program. (1) The department of commerce shall establish a coal ash markets investigation program to determine the existence of economically viable markets to reuse coal ash.

(2) The department may start an investigation when it has sufficient funds to conduct an investigation or in other circumstances the department determines appropriate. The department may issue grants to qualified individuals or entities to conduct the investigation.

(3) (a) Within 1 year of starting an investigation, the department shall present the results of the investigation in the form of maps and text to:

- (i) the economic interim affairs committee; and
- (ii) the environmental quality council.

(b) After the establishment of the program, the department shall report to the legislature in accordance with 5-11-210.

(4) The department may accept appropriations, gifts, grants, and reimbursements to be used for the purposes of this section.

Section 3. Cost benefit analysis required. (1) The department shall establish guidelines to compare costs and benefits of continued disposal of coal combustion residues at electrical generation facilities versus economical ways to reuse coal combustion residues.

(2) The guidelines must include requirements for promptly determining when a cost-benefit analysis under this section is appropriate and necessary.

(3) Proposals for analysis under this section must be consistent with the size and scope of the waste disposal options under consideration or at least demonstrate significant quantifiable environmental impacts, economic impacts, or both and meet other beneficial use requirements.

(4) An analysis under this section that favors a beneficial use must be transmitted to the governor. The governor may:

- (a) approve the document and order the prompt execution of the proposal;
- (b) return the document to the department for suggested revisions and resubmission to the governor; or
- (c) deny the proposal.

Section 4. Study of economic impacts of cost disallowances.

(1) The Montana bureau of business and economic research at the university of Montana shall study the economic impact of disallowances for replacement power costs made by the public service commission with respect to any coal-fired electric generation facilities located in the state.

(2) The study shall:

(a) determine the economic impact of the disallowances for replacement power costs on consumers;

(b) examine both the short- and long-term impacts on customers including any potential impacts that may occur in the future as a result of decision made by the public service commission;

(c) analyze whether the cost disallowances have resulted in any changes to a bond rating of any public utilities and whether those changes have resulted in any impacts to consumers; and

(d) evaluate if cost disallowances have occurred in other jurisdictions and whether there have been any measurable impacts on consumers.

(3) The bureau of business and economic research shall complete the study by December 31, 2022.

(4) The public service commission may not limit the scope of the study and shall cooperate and provide any information and materials necessary to complete the study.

(5) Upon completion of the study, the bureau of business and economic research:

(a) shall present the study to the public service commission;

(b) may present the study to the energy and telecommunications interim committee, if scheduling permits; and

(c) upon request, may present the study to the house energy, technology, and federal relations committee and the senate energy and telecommunications committee during the 68th legislative session.

(6) If the bureau of business and economic research is unable to present the study to the energy and telecommunications interim committee, the bureau shall mail a copy to each member of the committee.

Section 5. Electric generating facility fuel source change – notice requirements. (1) (a) An amendment to a certificate is not required for an electric generating facility designed to generate 250 megawatts of electricity or more if a change is made at the facility to alter fuel sources necessary to maintain operations at the facility, if the certificate holder obtains necessary air and water quality permits under chapter 2 and chapter 5 of this title.

(b) Changes covered by subsection (1)(a) may include both the use of a new fuel source as well as any construction or modification made to the facility for the purpose of allowing the facility to accept and utilize a new fuel source. This includes but is not limited to the construction of unloading facilities, storage facilities, and conveyance systems, including conveyors, roads, and rail spurs.

(c) The department shall waive compliance with this chapter as it relates to a change made in accordance with subsection (1)(a).

(2) (a) A certificate holder making a change in a facility in accordance with subsection (1) shall file notice of the change with the department at least 60 days prior to making the change.

(b) The department may provide notice to all active parties to the original certification proceeding, but a hearing is not required.

(3) (a) A change under subsection (1) is neither a material increase in the environmental impact of the facility nor a change or addition considered to affect compliance with a condition of the certificate.

(b) A change made in accordance with this section and notice of a change required in this section may not be used as the basis of an appeal of a final decision on a certificate by the department.

Section 6. Section 75-20-213, MCA, is amended to read:

“75-20-213. Supplemental material – amendments. (1) *An Except as provided in [section 5], an application for an amendment of an application or a certificate must be in the form and contain the information that the department by rule or by order prescribes. Notice of an application must be given as set forth in 75-20-211(3) and (4).*

(2) An application may be amended by an applicant any time prior to the department’s recommendation. If the proposed amendment is such that it prevents the department or the agencies listed in 75-20-216(6) from carrying out their duties and responsibilities under this chapter, the department may require additional filing fees and additional amendment application review time. The total review time may not exceed 9 months from the date the department accepts a completed application for amendment.

(3) The applicant shall submit supplemental material in a timely manner as requested by the department or as offered by the applicant to explain, support, or provide the detail with respect to an item described in the original application, without filing an application for an amendment. The department’s determination as to whether information is supplemental or whether an application for amendment is required is conclusive.”

Section 7. Section 75-20-219, MCA, is amended to read:

“75-20-219. Amendments to certificate. (1) (a) *Within Except as provided in [section 5], within 30 days after notice of an amendment to a certificate is given as set forth in 75-20-213(1), including notice to all active parties to the original proceeding, the department shall determine whether the proposed change in the facility would result in a material increase in any environmental impact of the facility or a substantial change in the location of all or a portion of the facility as set forth in the certificate.*

(b) *If Except as provided in [section 5], if the department determines that the proposed change would result in a material increase in any environmental impact of the facility or a substantial change in the location of all or a portion of the facility, the department shall grant, deny, or modify the amendment with conditions as it considers appropriate.*

(c) *If Except as provided in [section 5], if the department determines that a modification of the proposed amendment to the certificate is needed, it shall consult with the applicant.*

(2) *In Except as provided in [section 5], if those cases in which the department determines that the proposed change in the facility would not result in a material increase in any environmental impact or would not be a substantial change in the location of all or a portion of the facility, the department shall automatically grant the amendment either as applied for or upon terms or conditions that the department considers appropriate.*

(3) *If Except as provided in [section 5], if a hearing is requested under 75-20-223(2), the party requesting the hearing has the burden of showing by clear and convincing evidence that the department’s determination is not reasonable.*

(4) *If Except as provided in [section 5], if an amendment is required to a certificate that would affect, amend, alter, or modify a decision, opinion, order, certification, or air or water quality permit issued by the department or board, the amendment must be processed under the applicable statutes administered by the department or board.”*

Section 8. Appropriations. There is appropriated from the general fund for the biennium beginning July 1, 2021:

(1) \$125,000 to the bureau of mines and geology for the purposes of [section 1]; and

(2) \$25,000 to the department of commerce for the purposes of [section 2].

Section 9. Codification instruction. (1) [Sections 1 and 2] are intended to be codified as an integral part of Title 90, chapter 2, and the provisions of Title 90, chapter 2, apply to [sections 1 and 2].

(2) [Section 3] is intended to be codified as an integral part of Title 75, chapter 10, part 2, and the provisions of Title 75, chapter 10, part 2, apply to [section 3].

(3) [Section 4] is intended to be codified as an integral part of Title 75, and the provisions of Title 75 apply to [section 4].

(4) [Section 5] is intended to be codified as an integral part of Title 75, chapter 20, part 2, and the provisions of Title 75, chapter 20, part 2, apply to [section 5].

Section 10. Effective date. [This act] is effective July 1, 2021.

Section 11. Severability. If a part of [this act] is invalid, all valid parts that are severable from the invalid part remain in effect. If a part of [this act] is invalid in one or more of its applications, the part remains in effect in all valid applications that are severable from the invalid applications.

Section 12. Coordination instruction. If both House Bill No. 5 and [this act] are passed and approved, and at least \$2 million is appropriated in House Bill No. 5 to the department of environmental quality for the purpose of leaking petroleum tank remediation to address risks to human health or the environment at petroleum sites where there is no readily apparent potentially liable person or entity that is financially viable, then \$125,000 of that appropriation is transferred to the bureau of mines and geology for the purposes of [section 1].

Section 13. Retroactive applicability. [This act] applies retroactively, within the meaning of 1-2-109, to certificates issued on or after January 1, 1976.

Section 14. Termination. [Section 4] terminates April 30, 2023.

Approved May 14, 2021

CHAPTER NO. 554

[HB 651]

AN ACT GENERALLY REVISING BALLOT INITIATIVES; DEFINING APPROPRIATION FOR THE PURPOSES OF A BALLOT INITIATIVE; REQUIRING EMPLOYERS OF PAID SIGNATURE GATHERERS TO REGISTER WITH THE SECRETARY OF STATE AND PAY A FEE; ALLOWING FOR A WAIVER; REQUIRING INTERIM COMMITTEES OR THE LEGISLATIVE COUNCIL TO REVIEW PROPOSED BALLOT INITIATIVE LANGUAGE AND VOTE WHETHER TO SUPPORT THE PLACEMENT OF A MEASURE ON THE BALLOT; REQUIRING LANGUAGE REGARDING THE REVIEW BY AN INTERIM COMMITTEE OR THE LEGISLATIVE COUNCIL BE PLACED ON THE PETITION PRIOR TO SIGNATURE GATHERING; REQUIRING THE ATTORNEY GENERAL TO REVIEW BALLOT INITIATIVES FOR REGULATORY TAKINGS AND DETERMINATIONS TO BE PLACED ON THE PETITION PRIOR TO SIGNATURE GATHERING;

PROVIDING RULEMAKING AUTHORITY; AMENDING SECTIONS 5-5-215, 5-11-105, 13-27-202, 13-27-204, AND 13-27-312, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND AN APPLICABILITY DATE.

Be it enacted by the Legislature of the State of Montana:

Section 1. Petitions for initiative – requirements and limitations.

(1) In accordance with Article III, section 4, of the Montana constitution, the text of an initiative may not provide for the appropriation of revenue.

(2) For the purposes of this section, “appropriation” includes but is not limited to, the act of designating or setting aside budgetary authority, or directly or indirectly incurring a financial obligation with the expectation that a certain amount of money will be expended or directed for a specific use or purpose. The term also includes increasing or expanding eligibility to a government program.

Section 2. Section 5-5-215, MCA, is amended to read:

“5-5-215. Duties of interim committees. (1) Each interim committee shall:

(a) review administrative rules within its jurisdiction;
(b) subject to 5-5-217(3), conduct interim studies as assigned;
(c) monitor the operation of assigned executive branch agencies with specific attention to the following:

(i) identification of issues likely to require future legislative attention;
(ii) opportunities to improve existing law through the analysis of problems experienced with the application of the law by an agency; and
(iii) experiences of the state’s citizens with the operation of an agency that may be amenable to improvement through legislative action;

(d) review, if requested by any member of the interim committee, the statutorily established advisory councils and required reports of assigned agencies to make recommendations to the next legislature on retention or elimination of any advisory council or required reports pursuant to 5-11-210;
(e) review proposed legislation of assigned agencies or entities as provided in the joint legislative rules; and

(f) accumulate, compile, analyze, and furnish information bearing upon its assignment and relevant to existing or prospective legislation as it determines, on its own initiative, to be pertinent to the adequate completion of its work; and

(g) review proposed ballot initiatives within the interim committee’s subject area and vote to either support or not support the placement of the text of an initiative on the ballot in accordance with 13-27-202.

(2) Each interim committee shall prepare bills and resolutions that, in its opinion, the welfare of the state may require for presentation to the next regular session of the legislature.

(3) The legislative services division shall keep accurate records of the activities and proceedings of each interim committee.”

Section 3. Section 5-11-105, MCA, is amended to read:

“5-11-105. Powers and duties of council. (1) The legislative council shall:

(a) employ and, in accordance with the rules for classification and pay established as provided in this section, set the salary of an executive director of the legislative services division, who serves at the pleasure of and is responsible to the legislative council;

(b) with the concurrence of the legislative audit committee and the legislative finance committee, adopt rules for classification and pay of legislative branch employees, other than those of the office of consumer counsel;

(c) with the concurrence of the legislative audit committee and the legislative finance committee, adopt rules governing personnel management of branch employees, other than those of the office of consumer counsel;

(d) adopt procedures to administer legislator claims for reimbursements authorized by law for interim activity;

(e) establish time schedules and deadlines for the interim committees of the legislature, including dates for requesting bills and completing interim work;

(f) review proposed legislation for agencies or entities that are not assigned to an interim committee, as provided in 5-5-223 through 5-5-228, or to the environmental quality council, as provided in 75-1-324; and

(g) *review proposed ballot initiatives and vote to either support or not support the placement of the text of an initiative on the ballot in accordance with 13-27-202; and*

~~(g)~~(h) perform other duties assigned by law.

(2) If a question of statewide importance arises when the legislature is not in session and a legislative interim committee has not been assigned to consider the question, the legislative council shall assign the question to an appropriate interim committee, as provided in 5-5-202, or to the appropriate statutorily created committee."

Section 4. Section 13-27-202, MCA, is amended to read:

"13-27-202. Recommendations – registration by paid signature gatherers – approval of form required. (1) (a) A proponent of a ballot issue shall submit the text of the proposed ballot issue to the secretary of state together with draft ballot issue statements intended to comply with 13-27-312. Petitions may not be circulated for the purpose of signature gathering more than 1 year prior to the final date for filing the signed petition with the county election administrator. The secretary of state shall forward a copy of the text of the proposed issue and statements to the legislative services division for review.

(b) *A person who employs a paid signature gatherer shall register with the secretary of state prior to collecting signatures. Except as provided in subsection (1)(c), the registration in this subsection (1) must be accompanied by a filing fee of not more than \$100 or an amount set by the secretary of state. The fee must be deposited in an account to the credit of the secretary of state in accordance with 2-15-405(4).*

(c) *A person who employs a paid signature gatherer may seek a waiver from the fee required in subsection (1)(b) by demonstrating a financial inability to pay without substantial hardship.*

(d) *The secretary of state may adopt rules to provide for the administration of this subsection (1), including rules to implement a standard registration form and the waiver provisions in subsection (1)(c).*

(2) (a) The legislative services division staff shall review the text and statements for clarity, consistency, and conformity with the most recent edition of the bill drafting manual furnished by the legislative services division, the requirements of 13-27-312, and any other factors that the staff considers when drafting proposed legislation.

(b) Within 14 days after submission of the text and statements, the legislative services division staff shall recommend in writing to the proponent revisions to the text and revisions to the statements to make them consistent with any recommendations for change to the text and the requirements of 13-27-312 or state that no revisions are recommended.

(c) The proponent shall consider the recommendations and respond in writing to the legislative services division, accepting, rejecting, or modifying

each of the recommended revisions. If revisions are not recommended, a response is not required.

(3) The legislative services division shall furnish a copy of the correspondence provided for in subsection (2) to the secretary of state, who shall make a copy of the correspondence available to any person upon request.

(4) Before a petition may be circulated for signatures, the final text of the proposed issue and ballot statements must be submitted to the secretary of state. The secretary of state shall reject the proposed issue if the text or a ballot statement contains material not submitted to the legislative services division that is a substantive change not recommended by the legislative services division. If accepted, the secretary of state shall refer a copy of the proposed issue and statements to the attorney general for a determination as to the legal sufficiency of the issue and for approval of the petitioner's ballot statements and for a determination pursuant to 13-27-312 as to whether a fiscal note is necessary.

(5) (a) The secretary of state shall review the legal sufficiency opinion and ballot statements of the petitioner, as approved by the attorney general and received pursuant to 13-27-312.

(b) If the attorney general approves the proposed issue, the secretary of state shall provide the executive director of the legislative services division a copy of the final text of the proposed issue and ballot statements. The executive director shall provide the information to the appropriate interim committee for review in accordance with 5-5-215. If questions arise regarding which interim committee has jurisdiction over the matter, the executive director shall direct the review to the legislative council in accordance with 5-11-105.

(c) The appropriate interim committee or legislative council shall meet and hold a public hearing after receiving the information and vote to either support or not support the placement of the proposed initiative text on the ballot. The outcome of the vote must be submitted to the secretary of state no later than 14 days after receipt of the final text of the proposed issue and ballot statements. Nothing in this section prevents the interim committee from meeting remotely or via conference call. Proxies must be allowed for legislators unable to participate if a quorum of the committee or council meets to fulfill the requirements of this section.

(d) The executive director shall provide written correspondence to the secretary of state providing the name of the interim committee or the administrative committee that voted on the proposal, the date of the vote, and the outcome of the vote conducted in accordance with subsection (5)(c).

~~(b)(e) If the attorney general approves the proposed issue~~ *After the executive director provides the information to the secretary of state in accordance with subsection (5)(d), the secretary of state shall immediately send to the person submitting the proposed issue a sample petition form, including the text of the proposed issue, the statement of purpose and implication, and the yes and no statements, as prepared by the petitioner, reviewed by the legislative services division, and approved by the attorney general and in the form provided by this part. A signature gatherer may circulate the petition only in the form of the sample prepared by the secretary of state. The secretary of state shall immediately provide a copy of the sample petition form to any interested parties who have made a request to be informed of an approved petition.*

~~(c)(f)~~ *If the attorney general rejects the proposed issue, the secretary of state shall send written notice to the person who submitted the proposed issue of the rejection, including the attorney general's legal sufficiency opinion.*

(d)(g) If an action is filed challenging the validity of the petition, the secretary of state shall immediately notify the person who submitted the proposed issue.”

Section 5. Section 13-27-204, MCA, is amended to read:

“13-27-204. Petition for initiative. (1) The following, *including the language provided for in subsection (2)(b)*, is substantially the form for a petition calling for a vote to enact a law by initiative:

PETITION TO PLACE INITIATIVE NO. ____ ON THE ELECTION BALLOT

(a) If 5% of the voters in each of one-half of the counties sign this petition and the total number of voters signing this petition is ____, this initiative will appear on the next general election ballot. If a majority of voters vote for this initiative at that election, it will become law.

(b) We, the undersigned Montana voters, propose that the secretary of state place the following initiative on the ____, 20__, general election ballot:

(Title of initiative written pursuant to 13-27-312)

(Statement of purpose and implication written pursuant to 13-27-312)

(Yes and no statements written pursuant to 13-27-312)

(c) Voters are urged to read the complete text of the initiative, which appears (on the reverse side of, attached to, etc., as applicable) this sheet. A signature on this petition is only to put the initiative on the ballot and does not necessarily mean the signer agrees with the initiative.

(d) *Voters are advised that either an interim committee or an administrative committee of the legislature in accordance with 5-5-215 or 5-11-105 reviewed the content of this initiative and [did] or [did not] support the placement of the proposed text of this initiative on the ballot. The outcome of the vote was [x] in favor of placing the measure on the ballot and [x] against placing the measure on the ballot.*

(d)(e)

WARNING

A person who purposefully signs a name other than the person’s own to this petition, who signs more than once for the same issue at one election, or who signs when not a legally registered Montana voter is subject to a \$500 fine, 6 months in jail, or both.

(e)(f) Each person is required to sign the person’s name and list the person’s address or telephone number in substantially the same manner as on the person’s voter registration form or the signature will not be counted.

(2) (a) *If the attorney general determines the proposed ballot issue will likely cause significant material harm to one or more business interests in Montana pursuant to 13-27-312(9), the statement in subsection (2)(b) must appear on the front page of the petition form before the information set forth in subsection (1).*

(b)

WARNING

The Attorney General of Montana has determined the proposed ballot issue will likely cause significant material harm to one or more business interests in Montana.

(2)(3) Numbered lines must follow the heading. Each numbered line must contain spaces for the signature, date, residence address, county of residence, and printed last name and first and middle initials of the signer. In place of a residence address, the signer may provide the signer’s post-office address or the signer’s home telephone number. An address provided on a petition by the signer that differs from the signer’s address as shown on the signer’s voter registration form may not be used as the only means to disqualify the signature of that petition signer.”

Section 6. Section 13-27-312, MCA, is amended to read:

“13-27-312. Review of proposed ballot issue and statements by attorney general – preparation of fiscal note. (1) Upon receipt of a proposed ballot issue and statements from the office of the secretary of state pursuant to 13-27-202, the attorney general shall examine the proposed ballot issue for legal sufficiency as provided in this section and shall determine whether the ballot statements comply with the requirements of this section.

(2) The attorney general shall, in reviewing the ballot statements, endeavor to seek out parties on both sides of the issue and obtain their advice. The attorney general shall review the ballot statements to determine if they contain the following matters:

(a) a statement of purpose and implication, not to exceed 135 words, explaining the purpose and implication of the issue; and

(b) yes and no statements in the form prescribed in subsection (6).

(3) If the proposed ballot issue has an effect on the revenue, expenditures, or fiscal liability of the state, the attorney general shall order a fiscal note incorporating an estimate of the effect, the substance of which must substantially comply with the provisions of 5-4-205. The budget director, in cooperation with the agency or agencies affected by the ballot issue, is responsible for preparing the fiscal note and shall return it to the attorney general within 10 days. If the fiscal note indicates a fiscal impact, the attorney general shall prepare a fiscal statement of no more than 50 words, and the statement must be used on the petition and ballot if the issue is placed on the ballot.

(4) The ballot statements must express the true and impartial explanation of the proposed ballot issue in plain, easily understood language and may not be arguments or written so as to create prejudice for or against the issue.

(5) Unless altered by the court under 13-27-316, the statement of purpose and implication is the petition title for the issue circulated by the petition and the ballot title if the issue is placed on the ballot.

(6) The yes and no statements must be written so that a positive vote indicates support for the issue and a negative vote indicates opposition to the issue and must be placed beside the diagram provided for marking of the ballot in a manner similar to the following:

☐ YES (insert the type of ballot issue and its number)

☐ NO (insert the type of ballot issue and its number)

(7) *The outcome of the vote by an interim committee or an administrative committee required in 13-27-202(5)(c) does not need to be reflected in the statement of purpose and implication, the petition title, or the ballot title if the issue is placed on the ballot.*

(7)(8) The attorney general shall review the proposed ballot issue for legal sufficiency. As used in this part, “legal sufficiency” means that the petition complies with statutory and constitutional requirements governing submission of the proposed issue to the electors, *the substantive legality of the proposed issue if approved by the voters, and whether the proposed issue constitutes an appropriation as set forth in [section 1].* ~~Review of the petition for legal sufficiency does not include consideration of the substantive legality of the issue if approved by the voters.~~ The attorney general shall also determine if the proposed issue conflicts with one or more issues that may appear on the ballot at the same election.

(9) (a) *The attorney general shall review the proposed ballot issue as to whether the proposed issue could cause a regulatory taking under Montana law or otherwise will likely cause significant material harm to one or more business interests in Montana if approved by the voters.*

(b) *If the attorney general determines the proposed ballot issue will likely cause significant material harm to one or more business interests in Montana, the attorney general shall notify the secretary of state, which must include the finding set forth in 13-27-204(2) on the final form of the petition.*

(8)(10) (a) Within 30 days after receipt of the proposed issue from the secretary of state, the attorney general shall forward to the secretary of state an opinion as to the issue's legal sufficiency.

(b) If the attorney general determines that the proposed ballot issue is legally sufficient, the attorney general shall also forward to the secretary of state the petitioner's ballot statements that comply with the requirements of this section. If the attorney general determines in writing that a ballot statement clearly does not comply with the requirements of this section, the attorney general shall prepare a statement that complies with the requirements of this section, forward that statement to the secretary of state as the approved statement, and provide a copy to the petitioner. The attorney general shall give the secretary of state notice of whether the proposed issue conflicts with one or more issues that may appear on the ballot at the same election.

(c) If the attorney general determines that the proposed ballot issue is not legally sufficient, the secretary of state may not deliver a sample petition form unless the attorney general's opinion is overruled pursuant to 13-27-316 and the attorney general has approved or prepared ballot statements under this section."

Section 7. Codification instruction. [Section 1] is intended to be codified as an integral part of Title 13, chapter 27, part 2, and the provisions of Title 13, chapter 27, part 2, apply to [section 1].

Section 8. Severability. If a part of [this act] is invalid, all valid parts that are severable from the invalid part remain in effect. If a part of [this act] is invalid in one or more of its applications, the part remains in effect in all valid applications that are severable from the invalid applications.

Section 9. Effective date. [This act] is effective on passage and approval.

Section 10. Applicability. [This act] applies to ballot initiatives submitted to the secretary of state in accordance with 13-27-202(1) on or after [the effective date of this act].

Approved May 14, 2021

CHAPTER NO. 555

[HB 655]

AN ACT GENERALLY REVISING MARIJUANA LAWS; REVISING LABOR LAWS RELATING TO MARIJUANA; REQUIRING CERTAIN DRUG TESTING TO COMPLY WITH APPLICABLE FEDERAL LAWS; PROVIDING CERTAIN EXEMPTIONS FOR MEDICAL MARIJUANA; REVISING LAWS RELATED TO THE BURDEN OF PROOF IN WORKERS COMPENSATION RELATING TO MARIJUANA; INCREASING FEE DISCOUNT PERCENTAGES IN THE EVENT THE DEPARTMENT OF REVENUE DOES NOT PROCESS A LICENSE WITHIN THE STATUTORY REQUIREMENTS; AMENDING SECTIONS 39-51-2303, 39-71-407, AND 50-46-303, MCA; AND PROVIDING AN EFFECTIVE DATE.

Be it enacted by the Legislature of the State of Montana:

Section 1. Section 39-51-2303, MCA, is amended to read:

"39-51-2303. Disqualification for discharge due to misconduct. An individual must be disqualified for benefits after being discharged:

(1) for misconduct connected with the individual's work or affecting the individual's employment until the individual has performed services:

(a) for which remuneration is received equal to or in excess of eight times the individual's weekly benefit amount subsequent to the week in which the act causing the disqualification occurred; and

(b) that constitute employment as defined in 39-51-203 and 39-51-204; or

(2) for gross misconduct connected with the individual's work or committed on the employer's premises, as determined by the department, for a period of 52 weeks; or

(3) *for failure to pass, or refusal to take, a drug test in violation of an employer's written workplace drug policy, if the testing procedures comply with federal drug testing statutes and administrative regulations applicable to private sector employers and employees as provided in Title 39, chapter 2. This subsection does not apply to a drug test for marijuana or marijuana products that was administered to an individual who is a registered cardholder under Title 50, chapter 46, part 3.*

Section 2. Section 39-71-407, MCA, is amended to read:

"39-71-407. (Temporary) Liability of insurers – limitations.

(1) For workers' compensation injuries, each insurer is liable for the payment of compensation, in the manner and to the extent provided in this section, to an employee of an employer covered under plan No. 1, plan No. 2, and the state fund under plan No. 3 that it insures who receives an injury arising out of and in the course of employment or, in the case of death from the injury, to the employee's beneficiaries, if any.

(2) An injury does not arise out of and in the course of employment when the employee is:

(a) on a paid or unpaid break, is not at a worksite of the employer, and is not performing any specific tasks for the employer during the break; or

(b) engaged in a social or recreational activity, regardless of whether the employer pays for any portion of the activity. The exclusion from coverage of this subsection (2)(b) does not apply to an employee who, at the time of injury, is on paid time while participating in a social or recreational activity or whose presence at the activity is required or requested by the employer. For the purposes of this subsection (2)(b), "requested" means the employer asked the employee to assume duties for the activity so that the employee's presence is not completely voluntary and optional and the injury occurred in the performance of those duties.

(3) (a) Subject to subsection (3)(c), an insurer is liable for an injury, as defined in 39-71-119, only if the injury is established by objective medical findings and if the claimant establishes that it is more probable than not that:

(i) a claimed injury has occurred; or

(ii) a claimed injury has occurred and aggravated a preexisting condition.

(b) Proof that it was medically possible that a claimed injury occurred or that the claimed injury aggravated a preexisting condition is not sufficient to establish liability.

(c) Objective medical findings are sufficient for a presumptive occupational disease as defined in 39-71-1401 but may be overcome by a preponderance of the evidence.

(4) (a) An employee who suffers an injury or dies while traveling is not covered by this chapter unless:

(i) the employer furnishes the transportation or the employee receives reimbursement from the employer for costs of travel, gas, oil, or lodging as a part of the employee's benefits or employment agreement and the travel is

necessitated by and on behalf of the employer as an integral part or condition of the employment; or

(ii) the travel is required by the employer as part of the employee's job duties.

(b) A payment made to an employee under a collective bargaining agreement, personnel policy manual, or employee handbook or any other document provided to the employee that is not wages but is designated as an incentive to work at a particular jobsite is not a reimbursement for the costs of travel, gas, oil, or lodging, and the employee is not covered under this chapter while traveling.

(5) (a) Except as provided in subsection (6), an employee is not eligible for benefits otherwise payable under this chapter if the employee's use of alcohol or drugs not prescribed by a physician is the major contributing cause of the accident.

(b) *For the purposes of this subsection (5), if an employee fails or refuses to take a drug test after the accident and if the testing procedures comply with federal drug testing statutes and administrative regulations applicable to private sector employers and employees as provided in Title 39, chapter 2, there is a presumption that the major contributing cause of the accident was the employee's use of drugs not prescribed by a physician.*

(6) (a) An employee who has received written certification, as defined in 50-46-302, from a physician for the use of marijuana for a debilitating medical condition and who is otherwise eligible for benefits payable under this chapter is subject to the limitations of subsections (6)(b) through (6)(d).

(b) An employee is not eligible for benefits otherwise payable under this chapter if the employee's use of marijuana for a debilitating medical condition, as defined in 50-46-302, is the major contributing cause of the injury or occupational disease.

(c) Nothing in this chapter may be construed to require an insurer to reimburse any person for costs associated with the use of marijuana for a debilitating medical condition, as defined in 50-46-302.

(d) In an accepted liability claim, the benefits payable under this chapter may not be increased or enhanced due to a worker's use of marijuana for a debilitating medical condition, as defined in 50-46-302. An insurer remains liable for those benefits that the worker would qualify for absent the worker's use of marijuana for a debilitating medical condition.

(7) The provisions of subsection (5) do not apply if the employer had knowledge of and failed to attempt to stop the employee's use of alcohol or drugs not prescribed by a physician. This subsection (7) does not apply to the use of marijuana for a debilitating medical condition because marijuana is not a prescribed drug.

(8) If there is no dispute that an insurer is liable for an injury but there is a liability dispute between two or more insurers, the insurer for the most recently filed claim shall pay benefits until that insurer proves that another insurer is responsible for paying benefits or until another insurer agrees to pay benefits. If it is later proven that the insurer for the most recently filed claim is not responsible for paying benefits, that insurer must receive reimbursement for benefits paid to the claimant from the insurer proven to be responsible.

(9) If a claimant who has reached maximum healing suffers a subsequent nonwork-related injury to the same part of the body, the workers' compensation insurer is not liable for any compensation or medical benefits caused by the subsequent nonwork-related injury.

(10) Except for cases of presumptive occupational disease as provided in 39-71-1401 and 39-71-1402, an employee is not eligible for benefits payable

under this chapter unless the entitlement to benefits is established by objective medical findings that contain sufficient factual and historical information concerning the relationship of the worker's condition to the original injury.

(11) (a) For occupational diseases, every employer enrolled under plan No. 1, every insurer under plan No. 2, or the state fund under plan No. 3 is liable for the payment of compensation, in the manner and to the extent provided in this chapter, to an employee of an employer covered under plan No. 1, plan No. 2, or the state fund under plan No. 3 if the employee is diagnosed with a compensable occupational disease.

(b) The provisions of subsection (11)(a) apply to presumptive occupational disease if the employee is diagnosed and meets the conditions of 39-71-1401 and 39-71-1402.

(12) An insurer is liable for an occupational disease only if the occupational disease:

(a) is established by objective medical findings; and

(b) arises out of or is contracted in the course and scope of employment. An occupational disease is considered to arise out of or be contracted in the course and scope of employment if the events occurring on more than a single day or work shift are the major contributing cause of the occupational disease in relation to other factors contributing to the occupational disease. For the purposes of this subsection (12), an occupational disease is not the same as a presumptive occupational disease.

(13) When compensation is payable for an occupational disease or a presumptive occupational disease, the only employer liable is the employer in whose employment the employee was last injuriously exposed to the hazard of the disease.

(14) When there is more than one insurer and only one employer at the time that the employee was injuriously exposed to the hazard of the disease, the liability rests with the insurer providing coverage at the earlier of:

(a) the time that the occupational disease or presumptive occupational disease was first diagnosed by a health care provider; or

(b) the time that the employee knew or should have known that the condition was the result of an occupational disease or a presumptive occupational disease.

(15) In the case of pneumoconiosis, any coal mine operator who has acquired a mine in the state or substantially all of the assets of a mine from a person who was an operator of the mine on or after December 30, 1969, is liable for and shall secure the payment of all benefits that would have been payable by that person with respect to miners previously employed in the mine if acquisition had not occurred and that person had continued to operate the mine, and the prior operator of the mine is not relieved of any liability under this section.

(16) As used in this section, "major contributing cause" means a cause that is the leading cause contributing to the result when compared to all other contributing causes. (Void on occurrence of contingency--sec. 7, Ch. 158, L. 2019.)

39-71-407. (Effective on occurrence of contingency) Liability of insurers -- limitations. (1) For workers' compensation injuries, each insurer is liable for the payment of compensation, in the manner and to the extent provided in this section, to an employee of an employer covered under plan No. 1, plan No. 2, and the state fund under plan No. 3 that it insures who receives an injury arising out of and in the course of employment or, in the case of death from the injury, to the employee's beneficiaries, if any.

(2) An injury does not arise out of and in the course of employment when the employee is:

(a) on a paid or unpaid break, is not at a worksite of the employer, and is not performing any specific tasks for the employer during the break; or

(b) engaged in a social or recreational activity, regardless of whether the employer pays for any portion of the activity. The exclusion from coverage of this subsection (2)(b) does not apply to an employee who, at the time of injury, is on paid time while participating in a social or recreational activity or whose presence at the activity is required or requested by the employer. For the purposes of this subsection (2)(b), "requested" means the employer asked the employee to assume duties for the activity so that the employee's presence is not completely voluntary and optional and the injury occurred in the performance of those duties.

(3) (a) An insurer is liable for an injury, as defined in 39-71-119, only if the injury is established by objective medical findings and if the claimant establishes that it is more probable than not that:

(i) a claimed injury has occurred; or

(ii) a claimed injury has occurred and aggravated a preexisting condition.

(b) Proof that it was medically possible that a claimed injury occurred or that the claimed injury aggravated a preexisting condition is not sufficient to establish liability.

(4) (a) An employee who suffers an injury or dies while traveling is not covered by this chapter unless:

(i) the employer furnishes the transportation or the employee receives reimbursement from the employer for costs of travel, gas, oil, or lodging as a part of the employee's benefits or employment agreement and the travel is necessitated by and on behalf of the employer as an integral part or condition of the employment; or

(ii) the travel is required by the employer as part of the employee's job duties.

(b) A payment made to an employee under a collective bargaining agreement, personnel policy manual, or employee handbook or any other document provided to the employee that is not wages but is designated as an incentive to work at a particular jobsite is not a reimbursement for the costs of travel, gas, oil, or lodging, and the employee is not covered under this chapter while traveling.

(5) (a) Except as provided in subsection (6), an employee is not eligible for benefits otherwise payable under this chapter if the employee's use of alcohol or drugs not prescribed by a physician is the major contributing cause of the accident.

(b) *For the purposes of this subsection (5), if an employee fails or refuses to take a drug test after the accident and if the testing procedures comply with federal drug testing statutes and administrative regulations applicable to private sector employers and employees as provided in Title 39, chapter 2, there is a presumption that the major contributing cause of the accident was the employee's use of drugs not prescribed by a physician.*

(6) (a) An employee who has received written certification, as defined in 50-46-302, from a physician for the use of marijuana for a debilitating medical condition and who is otherwise eligible for benefits payable under this chapter is subject to the limitations of subsections (6)(b) through (6)(d).

(b) An employee is not eligible for benefits otherwise payable under this chapter if the employee's use of marijuana for a debilitating medical condition, as defined in 50-46-302, is the major contributing cause of the injury or occupational disease.

(c) Nothing in this chapter may be construed to require an insurer to reimburse any person for costs associated with the use of marijuana for a debilitating medical condition, as defined in 50-46-302.

(d) In an accepted liability claim, the benefits payable under this chapter may not be increased or enhanced due to a worker's use of marijuana for a debilitating medical condition, as defined in 50-46-302. An insurer remains liable for those benefits that the worker would qualify for absent the worker's use of marijuana for a debilitating medical condition.

(7) The provisions of subsection (5) do not apply if the employer had knowledge of and failed to attempt to stop the employee's use of alcohol or drugs not prescribed by a physician. This subsection (7) does not apply to the use of marijuana for a debilitating medical condition because marijuana is not a prescribed drug.

(8) If there is no dispute that an insurer is liable for an injury but there is a liability dispute between two or more insurers, the insurer for the most recently filed claim shall pay benefits until that insurer proves that another insurer is responsible for paying benefits or until another insurer agrees to pay benefits. If it is later proven that the insurer for the most recently filed claim is not responsible for paying benefits, that insurer must receive reimbursement for benefits paid to the claimant from the insurer proven to be responsible.

(9) If a claimant who has reached maximum healing suffers a subsequent nonwork-related injury to the same part of the body, the workers' compensation insurer is not liable for any compensation or medical benefits caused by the subsequent nonwork-related injury.

(10) An employee is not eligible for benefits payable under this chapter unless the entitlement to benefits is established by objective medical findings that contain sufficient factual and historical information concerning the relationship of the worker's condition to the original injury.

(11) For occupational diseases, every employer enrolled under plan No. 1, every insurer under plan No. 2, or the state fund under plan No. 3 is liable for the payment of compensation, in the manner and to the extent provided in this chapter, to an employee of an employer covered under plan No. 1, plan No. 2, or the state fund under plan No. 3 if the employee is diagnosed with a compensable occupational disease.

(12) An insurer is liable for an occupational disease only if the occupational disease:

(a) is established by objective medical findings; and

(b) arises out of or is contracted in the course and scope of employment. An occupational disease is considered to arise out of or be contracted in the course and scope of employment if the events occurring on more than a single day or work shift are the major contributing cause of the occupational disease in relation to other factors contributing to the occupational disease.

(13) When compensation is payable for an occupational disease, the only employer liable is the employer in whose employment the employee was last injuriously exposed to the hazard of the disease.

(14) When there is more than one insurer and only one employer at the time that the employee was injuriously exposed to the hazard of the disease, the liability rests with the insurer providing coverage at the earlier of:

(a) the time that the occupational disease was first diagnosed by a health care provider; or

(b) the time that the employee knew or should have known that the condition was the result of an occupational disease.

(15) In the case of pneumoconiosis, any coal mine operator who has acquired a mine in the state or substantially all of the assets of a mine from

a person who was an operator of the mine on or after December 30, 1969, is liable for and shall secure the payment of all benefits that would have been payable by that person with respect to miners previously employed in the mine if acquisition had not occurred and that person had continued to operate the mine, and the prior operator of the mine is not relieved of any liability under this section.

(16) As used in this section, "major contributing cause" means a cause that is the leading cause contributing to the result when compared to all other contributing causes."

Section 3. Section 50-46-303, MCA, is amended to read:

"50-46-303. Medical marijuana registry – department responsibilities – issuance of cards and licenses – confidentiality.

(1) The department shall establish and maintain a registry of persons who receive registry identification cards or licenses under this part. The department shall issue:

(a) registry identification cards to Montana residents who have debilitating medical conditions and who submit applications meeting the requirements of this part;

(b) licenses:

(i) to persons who apply to operate as providers or marijuana-infused products providers and who submit applications meeting the requirements of this part;

(ii) for dispensaries established by providers or marijuana-infused products providers; and

(iii) through the state laboratory, to testing laboratories that submit applications meeting the requirements of this part; and

(c) endorsements for chemical manufacturing to a provider or a marijuana-infused products provider who applies for a chemical manufacturing endorsement and meets requirements established by the department by rule.

(2) (a) An individual who obtains a registry identification card and indicates the individual will not use the system of licensed providers and marijuana-infused products providers to obtain marijuana or marijuana-infused products is authorized to cultivate, manufacture, possess, and transport marijuana as allowed by this part.

(b) An individual who obtains a registry identification card and indicates the individual will use the system of licensed providers and marijuana-infused products providers to obtain marijuana or marijuana-infused products is authorized to possess marijuana as allowed by this part.

(c) A person who obtains a provider, marijuana-infused products provider, or dispensary license or an employee of a licensed provider or marijuana-infused products provider is authorized to cultivate, manufacture, possess, sell, and transport marijuana as allowed by this part.

(d) A person who obtains a testing laboratory license or an employee of a licensed testing laboratory is authorized to possess, test, and transport marijuana as allowed by this part.

(3) The department shall conduct criminal history background checks as required by 50-46-307 and 50-46-308 before issuing a license to a provider or marijuana-infused products provider.

(4) (a) Registry identification cards and licenses issued pursuant to this part must:

(i) be laminated and produced on a material capable of lasting for the duration of the time period for which the card or license is valid;

(ii) state the name, address, and date of birth of the registered cardholder;

(iii) indicate whether the cardholder is obtaining marijuana and marijuana-infused products through the system of licensed providers and marijuana-infused products providers;

(iv) indicate whether a provider or marijuana-infused products provider has an endorsement for chemical manufacturing;

(v) state the date of issuance and the expiration date of the registry identification card or license;

(vi) contain a unique identification number; and

(vii) contain other information that the department may specify by rule.

(b) Except as provided in subsection (4)(c), in addition to complying with subsection (4)(a), registry identification cards issued pursuant to this part must:

(i) include a picture of the registered cardholder; and

(ii) be capable of being used to track registered cardholder purchases.

(c) (i) The department shall issue temporary registry identification cards upon receipt of an application. The cards are valid for 60 days and are exempt from the requirements of subsection (4)(b). Printing of the temporary identification cards is exempt from the provisions of Title 18, chapter 7.

(ii) The cards may be issued before an applicant's payment of the fee has cleared. The department shall cancel the temporary card after 60 days and may not issue a permanent card until the fee is paid.

(5) (a) The department or state laboratory, as applicable, shall review the information contained in an application or renewal submitted pursuant to this part and shall approve or deny an application or renewal within 30 days of receiving the application or renewal and all related application materials.

(b) If the department fails to act on a completed application within 30 days of receipt, the department shall:

(i) refund the fee paid by an applicant for a registry identification card;

(ii) reduce the cost of the licensing fee for a new applicant for licensure or for a licensee seeking renewal of a license by 5% 10% each week that the application is pending; and

(iii) if a licensee is unable to operate because a license renewal application has not been acted on, reimburse the licensee 50% of the gross sales the licensee reported in the most recent quarter for the purpose of the tax provided for in 15-64-102.

(c) Applications that are not processed within 30 days of receipt remain active until the department takes final action.

(d) An application for a license or renewal of a license is not considered complete until the department has completed a satisfactory inspection as required by this part and related administrative rules.

(e) The department shall issue a registry identification card, license, or endorsement within 5 days of approving an application or renewal.

(6) Review of a rejection of an application or renewal may be conducted as a contested case hearing pursuant to the provisions of the Montana Administrative Procedure Act.

(7) (a) Registry identification cards expire 1 year after the date of issuance unless a physician has provided a written certification stating that a card is valid for a shorter period of time.

(b) Licenses and endorsements issued to providers, marijuana-infused products providers, and testing laboratories must be renewed annually.

(8) (a) A registered cardholder shall notify the department of any change in the cardholder's name, address, or physician or change in the status of the cardholder's debilitating medical condition within 10 days of the change.

(b) A registered cardholder who possesses mature plants or seedlings under 50-46-319(1) shall notify the department of the location of the plants and seedlings or any change of location of plants or seedlings. The department shall provide the names and locations of cardholders who possess mature plants or seedlings to the local law enforcement agency having jurisdiction in the area in which the plants or seedlings are located. The law enforcement agency and its employees are subject to the confidentiality requirements of 50-46-332.

(c) If a change occurs and is not reported to the department, the registry identification card is void.

(9) The department shall maintain a confidential list of individuals to whom the department has issued registry identification cards. Except as provided in subsections (8)(b) and (10), individual names and other identifying information on the list must be confidential and are not subject to disclosure, except to:

(a) authorized employees of the department as necessary to perform the official duties of the department;

(b) authorized employees of state or local government agencies, including law enforcement agencies, only as necessary to verify that an individual is a lawful possessor of a registry identification card;

(c) a judge, magistrate, or other authorized judicial officer in response to an order requiring disclosure; and

(d) another person or entity when the information pertains to a cardholder who has given written consent to the release and has specified:

(i) the type of information to be released; and

(ii) the person or entity to whom it may be released.

(10) The department shall provide the names and phone numbers of providers and marijuana-infused products providers and the city, town, or county where registered premises and testing laboratories are located to the public on the department's website. The department may not disclose the physical location or address of a provider, marijuana-infused products provider, dispensary, or testing laboratory.

(11) The department may share only information about providers, marijuana-infused products providers, dispensaries, and testing laboratories with the department of revenue for the purpose of investigation and prevention of noncompliance with tax laws, including but not limited to evasion, fraud, and abuse. The department of revenue and its employees are subject to the confidentiality requirements of 15-64-111(1)."

Section 4. Coordination instruction. If House Bill No. 701 is passed and approved and if it repeals Title 50, chapter 46, part 3, then the reference to "Title 50, chapter 46, part 3" in [section 3 of this act] must be replaced by a reference to [sections 9 through 23 of House Bill No. 701].

Section 5. Effective date. [This act] is effective July 1, 2021.

Approved May 14, 2021

CHAPTER NO. 556

[HB 656]

AN ACT REQUIRING COUNTY REIMBURSEMENT FOR ASSUMPTION OF CRIMINAL JURISDICTION WITHIN THE FLATHEAD INDIAN RESERVATION; PROVIDING THAT LAKE COUNTY MAY WITHDRAW FROM ENFORCEMENT OF CRIMINAL JURISDICTION ON BEHALF

OF THE STATE; PROVIDING LEGISLATIVE INTENT; PROVIDING AN APPROPRIATION; AMENDING SECTIONS 2-1-301 AND 2-1-306, MCA; AND PROVIDING AN EFFECTIVE DATE AND A TERMINATION DATE.

Be it enacted by the Legislature of the State of Montana:

Section 1. Section 2-1-301, MCA, is amended to read:

“2-1-301. Assumption of criminal jurisdiction of Flathead Indian country – county reimbursement. (1) The state of Montana hereby obligates and binds itself to assume, as ~~herein provided in this section~~, criminal jurisdiction over Indians and Indian territory of the Flathead Indian reservation and country within the state in accordance with the consent of the United States given by the act of August 15, 1953 (Public Law 280, 83rd congress, 1st session).

(2) *Unless the Confederated Salish and Kootenai tribes or Lake County withdraws consent to enforcement pursuant to 2-1-306, the state shall reimburse Lake County for assuming criminal jurisdiction under this section annually to the extent funds are appropriated by the legislature. The annual amount of reimbursement must be adjusted each year based on the consumer price index.”*

Section 2. Section 2-1-306, MCA, is amended to read:

“2-1-306. Withdrawal of consent to state jurisdiction. (1) No sooner than 6 months after April 24, 1993, and after consulting with local government officials concerning implementation, the Confederated Salish and Kootenai tribes may, by tribal resolution, withdraw consent to be subject to the criminal jurisdiction of the state of Montana. Within 6 months after receipt of the resolution, the governor shall issue a proclamation to that effect.

(2) The Confederated Salish and Kootenai tribes may, by separate resolution, withdraw consent to be subject to those areas of civil jurisdiction of the state of Montana that are delineated in tribal ordinance 40-A (revised and enacted May 5, 1965). The withdrawal is limited to those delineated areas of civil jurisdiction agreed upon in writing by the governor after consultation with the attorney general and officials of affected local governments. The tribes shall initiate this process by sending a certified letter to the governor. After consultation and execution of a written agreement between the governor and the tribes, the agreed-upon civil areas must be incorporated into a tribal resolution to be enacted by the tribes. Within 6 months after receipt of the tribal resolution, the governor shall issue a proclamation to that effect that reflects the terms of the written agreement.

(3) *No sooner than 6 months after [the effective date of this act], and after consulting with tribal government officials concerning withdrawal, the board of county commissioners of Lake County may, by resolution, withdraw consent to enforce criminal jurisdiction on behalf of the state of Montana over the Confederated Salish and Kootenai tribes. Within 6 months after receipt of the resolution, the governor shall issue a proclamation to that effect.*

(3)(4) Subsections (1) ~~and (2) through (3)~~ do not alter the existing jurisdiction or authority of the Confederated Salish and Kootenai tribes or the state of Montana, except as expressly provided for in subsections (1) ~~and (2) through (3).~~”

Section 3. Appropriation. (1) There is appropriated \$1 from the general fund to the department of justice in each year of the biennium beginning July 1, 2021, to reimburse Lake County for assuming criminal jurisdiction within the Flathead Indian reservation as required by 2-1-301.

(2) The appropriation may only be used to reimburse Lake County.

(3) The legislature intends that the appropriation be considered as part of the ongoing base for the next legislative session.

Section 4. Effective date. [This act] is effective July 1, 2021.

Section 5. Termination. [This act] terminates June 30, 2027.

Approved May 14, 2021

CHAPTER NO. 557

[HB 658]

AN ACT REVISING LAWS RELATED TO RESTRICTIVE HOUSING; REVISING WHEN AN INMATE IN A RESTRICTIVE HOUSING UNIT MUST RECEIVE CERTAIN APPRAISALS; REVISING WHEN INFORMATION OBTAINED DURING AN APPRAISAL MAY BE DISSEMINATED; REVISING DEFINITIONS; PROVIDING AN APPROPRIATION; AMENDING SECTIONS 53-30-702 AND 53-30-708, MCA; AND PROVIDING AN EFFECTIVE DATE.

Be it enacted by the Legislature of the State of Montana:

Section 1. Section 53-30-702, MCA, is amended to read:

“53-30-702. Definitions. As used in this part, the following definitions apply:

(1) “Administrative segregation” means a nonpunitive housing status for inmates whose continued presence in the general population may pose a serious threat to life, property, self, staff, other inmates, or the facility’s security or orderly operation.

(2) “Administrator” means the official, regardless of local title, who is ultimately responsible for the operation and management of a division, facility, or program.

(3) “Department” means the department of corrections provided for in 2-15-2301.

(4) “Disability” means a physical or mental impairment that substantially limits one or more of a person’s major life activities, a person who has a record of such an impairment, or a person who is regarded as having such an impairment.

(5) “Disciplinary detention” means a form of separation from the general population in which an inmate who has committed a serious violation of conduct regulations is confined to an individual cell by a disciplinary committee or other authorized group for short periods of time.

(6) “Facility” means a state prison defined in 53-30-101(3)(c)(i) through (3)(c)(iii) and (3)(c)(v) or a youth correctional facility pursuant to 52-5-101.

(7) “Mental disorder” means exhibiting impaired emotional, cognitive, or behavioral functioning that interferes seriously with an individual’s ability to function adequately except with supportive treatment or services. The individual also must:

(a) currently have or have had within the past year a diagnosed mental disorder; and

(b) currently exhibit significant signs and symptoms of a mental disorder.

(8) “Postpartum” means the first 6 weeks after delivery.

(9) “Prehearing confinement” means a short-term, nonpunitive housing status that is used to safely and securely control high-risk or at-risk inmates.

(10) “Protective custody” means a form of separation from the general population for an inmate who requests or requires protection from other inmates for reasons of health or safety.

(11) “Qualified mental health professional” includes psychiatrists, psychologists, psychiatric social workers, licensed professional counselors, psychiatric nurses, or others who, by virtue of their education, credentials, and

experience, are permitted by law to evaluate and care for the mental health needs of patients.

(12) "Restrictive housing" means a placement that requires an inmate to be confined to a cell for at least 22 hours a day for the safe and secure operation of the facility. The term includes administrative segregation, protective custody, and disciplinary detention *if the conditions of confinement require inmates to be confined to a cell for at least 22 hours a day.*

(13) (a) "Severe mental illness" means a substantial organic or psychiatric disorder of thought, mood, perception, orientation, or memory that significantly impairs judgment, behavior, or the ability to cope with the basic demands of life.

(b) Intellectual disability, epilepsy, other developmental disabilities, alcohol or substance abuse, or brief periods of intoxication or criminal behavior do not alone constitute severe mental illness. The individual must also:

(i) currently have or have had within the past year a diagnosed mental disorder; and

(ii) currently exhibit significant signs and symptoms of a mental disorder.

~~(13)~~(14) "Step-down program" means an individualized program that includes a system of review and establishes criteria to prepare an inmate for transition to the general population or the community and that involves a coordinated, multidisciplinary team approach that includes mental health, case management, and security practitioners.

~~(14)~~(15) "Temporary confinement" has the same meaning as "prehearing confinement" as defined in this section."

Section 2. Section 53-30-708, MCA, is amended to read:

"53-30-708. Mental health status review. (1) When a housing or management unit exists for adult or youth inmates with ~~mental health issues~~, a mental disorder, ~~or mental illness~~, procedures adopted pursuant to 53-30-703(7) must provide for placements, assessments, specialized treatments, program services, and scheduled case reviews by qualified mental health professionals in accordance with policies established by the department.

(2) Upon notification that an inmate has been placed in restrictive housing, a qualified health care professional will review the inmate's health record. If an existing medical, mental health, or dental need requires accommodation, custody staff must be notified.

(3) When reviewing the health records of an inmate with a mental disorder; ~~health staff shall assess the risk of exacerbation of mental disorder and who has been placed in restrictive housing, a qualified health care professional shall~~ notify mental health staff. This review and notification must be documented in the inmate's health record.

~~(3)~~(4) The procedures established pursuant to 53-30-703(7) must provide that an inmate entering restrictive housing must be seen and assessed by a qualified mental health professional or health care professional, in accordance with the national commission on correctional health care standards. Each contact must be documented ~~on~~ in the inmate's ~~log~~ record, and the notation must contain, at a minimum, a status report and the date and time of the contact. Individual ~~logs~~ documentation must be filed in the inmate's medical and mental health records.

~~(4)~~(5) A qualified mental health professional shall complete a mental health appraisal within ~~72 hours of the period set by American correctional association standards~~ after an inmate's placement in restrictive housing. The appraisal may include a mental health ~~screening~~ review that has been completed by health care personnel at the time the inmate is placed in restrictive housing. If confinement continues beyond 30 days, a qualified

mental health professional shall complete a ~~behavioral health assessment at least every 14 days~~ *an updated mental health appraisal with the frequency set by American correctional association standards* for an inmate with a diagnosed ~~behavioral or mental health disorder~~ and more frequently if clinically indicated. For an inmate without a ~~behavioral mental health disorder~~, the ~~assessment appraisal~~ must be completed ~~every 14 days with the frequency set by American correctional association standards~~ and more frequently if clinically indicated. The ~~behavioral mental health assessment appraisal~~ must be conducted in a manner that ensures confidentiality. *Dissemination of any information obtained in the mental health appraisal must be for the limited purpose of institutional safety and security.*

(5)(6) An inmate diagnosed with a ~~serious severe mental disorder illness~~ may not be placed in restrictive housing for more than 14 days unless a multidisciplinary service team determines there is an immediate and present danger to others or to the safety of the institution. If an inmate with a ~~serious severe mental disorder illness~~ is placed in restrictive housing, the inmate must be provided with an active individualized treatment plan that includes weekly monitoring by mental health staff, treatment as necessary, and steps to facilitate the transition of the inmate back into the general population.”

Section 3. Appropriation. There is appropriated from the general fund \$900 to the department of corrections for the biennium beginning July 1, 2021, for the purposes of installing an additional camera in the restrictive housing unit at the Montana state prison.

Section 4. Effective date. [This act] is effective July 1, 2021.

Approved May 14, 2021

CHAPTER NO. 558

[HB 660]

AN ACT PROVIDING AN APPROPRIATION TO THE MADE-IN-MONTANA PROGRAM IN THE DEPARTMENT OF COMMERCE; EXPANDING USE OF THE ECONOMIC DEVELOPMENT STATE SPECIAL REVENUE ACCOUNT; AMENDING SECTION 90-1-205, MCA; AND PROVIDING AN EFFECTIVE DATE.

Be it enacted by the Legislature of the State of Montana:

Section 1. Section 90-1-205, MCA, is amended to read:

“90-1-205. Economic development special revenue account.

(1) There is an economic development state special revenue account. The account receives earnings from the big sky economic development fund as provided in 17-5-703. The money in the account may be used only as provided in this part.

(2) The money in the account is statutorily appropriated, as provided in 17-7-502, to the department. Of the money that is deposited in the account that is not used for administrative expenses *or for other economic development purposes*:

(a) 75% must be allocated for distribution to local governments and tribal governments to be used for job creation efforts; and

(b) 25% must be allocated for distribution to certified regional development corporations, economic development organizations that are located in a county that is not part of a certified regional development corporation, and tribal governments.”

Section 2. Appropriation. There is appropriated \$200,000 from the account provided for in 90-1-205 to the department of commerce for the biennium beginning July 1, 2021, in order to support the made-in-Montana and grown-in-Montana products pursuant to 30-17-101 and 90-1-105.

Section 3. Effective date. [This act] is effective July 1, 2021.

Approved May 14, 2021

CHAPTER NO. 559

[HB 661]

AN ACT REVISING STRIPPER OIL TAX LAWS; REVISING THE TAX RATES FOR STRIPPER OIL PRODUCTION; PROVIDING DEFINITIONS; AMENDING SECTIONS 15-36-303 AND 15-36-304, MCA; AND PROVIDING EFFECTIVE DATES, APPLICABILITY DATES, AND TERMINATION DATES.

Be it enacted by the Legislature of the State of Montana:

Section 1. Section 15-36-303, MCA, is amended to read:

“15-36-303. Definitions. As used in this part, the following definitions apply:

(1) “Board” means the board of oil and gas conservation provided for in 2-15-3303.

(2) “Department” means the department of revenue provided for in 2-15-1301.

(3) “Enhanced recovery project” means the use of any process for the displacement of oil from the earth other than primary recovery and includes the use of an immiscible, miscible, chemical, thermal, or biological process.

(4) “Existing enhanced recovery project” means an enhanced recovery project that began development before January 1, 1994.

(5) “Expanded enhanced recovery project” or “expansion” means the addition of injection wells or production wells, the recompletion of existing wells as horizontally completed wells, the change of an injection pattern, or other operating changes to an existing enhanced recovery project that will result in the recovery of oil that would not otherwise be recovered. The project must be developed after December 31, 1993.

(6) “Gross taxable value”, for the purpose of computing the oil and natural gas production tax, means the gross value of the product as determined in 15-36-305.

(7) “Horizontal drain hole” means that portion of a wellbore with 70 degrees to 110 degrees deviation from the vertical and a horizontal projection within the common source of supply, as that term is defined by the board, that exceeds 100 feet.

(8) “Horizontally completed well” means:

(a) a well with one or more horizontal drain holes; or

(b) any other well classified by the board as a horizontally completed well.

(9) “Incremental production” means:

(a) the volume of oil produced by a new enhanced recovery project, by a well in primary recovery recompleted as a horizontally completed well, or by an expanded enhanced recovery project, which volume of production is in excess of the production decline rate established under the conditions existing before:

(i) commencing the recompletion of a well as a horizontally completed well;

- (ii) expanding the existing enhanced recovery project; or
- (iii) commencing a new enhanced recovery project; or

(b) in the case of any project that had no taxable production prior to commencing the enhanced recovery project, all production of oil from the enhanced recovery project.

(10) "Natural gas" or "gas" means natural gas and other fluid hydrocarbons, other than oil, produced at the wellhead.

(11) "New enhanced recovery project" means an enhanced recovery project that began development after December 31, 1993.

(12) "Nonworking interest owner" means any interest owner who does not share in the exploration, development, and operation costs of the lease or unit, except for production taxes.

(13) "Oil" means crude petroleum or mineral oil and other hydrocarbons, regardless of gravity, that are produced at the wellhead in liquid form and that are not the result of condensation of gas after it leaves the wellhead.

(14) "Operator" or "producer" means a person who produces oil or natural gas within this state or who owns, controls, manages, leases, or operates within this state any well or wells from which any marketable oil or natural gas is extracted or produced.

(15) (a) *"Post-1999 stripper well" means an oil well drilled on or after January 1, 1999, that produces more than 3 barrels but fewer than 15 barrels a day for the calendar year immediately preceding the current year if the average price for a barrel of crude oil reported and received by the producer for Montana oil marketed during a calendar quarter is less than \$30. If the price of oil is equal to or greater than \$30 a barrel in a calendar quarter, there is no stripper tax rate in that quarter.*

(b) *The average price for a barrel is computed by dividing the sum of the daily price for a barrel of west Texas intermediate crude oil for the calendar quarter by the number of days on which the price was reported in the quarter.*

(c) *Production must be determined by dividing the amount of production from a lease or unitized area for the year immediately preceding the current calendar year by the number of producing wells in the lease or unitized area and then dividing the resulting quotient by 365.*

(15)(16) "Post-1999 well" means an oil or natural gas well drilled on or after January 1, 1999, that produces oil or natural gas or a well that has not produced oil or natural gas during the 5 years immediately preceding the first month of qualifying as a post-1999 well.

(17) (a) *"Pre-1999 stripper well" means an oil well that was drilled before January 1, 1999, that produces more than 3 barrels a day but fewer than 10 barrels a day.*

(b) *Production must be determined by dividing the amount of production from a lease or unitized area for the year immediately preceding the current calendar year by the number of producing wells in the lease or unitized area and then dividing the resulting quotient by 365.*

(16)(18) "Pre-1999 well" means an oil or natural gas well that was drilled before January 1, 1999.

(17)(19) "Primary recovery" means the displacement of oil from the earth into the wellbore by means of the natural pressure of the oil reservoir and includes artificial lift.

(18)(20) "Production decline rate" means the projected rate of future oil production, extrapolated by a method approved by the board, that must be determined for a project area prior to commencing a new or expanded enhanced recovery project or the recompletion of a well as a horizontally completed well. The approved production decline rate must be certified in writing to the

department by the board. In that certification, the board shall identify the project area and shall specify the projected rate of future oil production by calendar year and by calendar quarter within each year. The certified rate of future oil production must be used to determine the volume of incremental production that qualifies for the tax rate imposed under 15-36-304(5)(e).

(19)(21) (a) "Qualifying production" means the first 12 months of production of oil or natural gas from a well drilled after December 31, 1998, or the first 18 months of production of oil or natural gas from a horizontally completed well drilled after December 31, 1998, or from a well that has not produced oil or natural gas during the 5 years immediately preceding the first month of qualifying production.

(b) Qualifying production does not include oil production from a horizontally recompleted well.

(20)(22) "Secondary recovery project" means an enhanced recovery project, other than a tertiary recovery project, that commenced or was expanded after December 31, 1993, and meets each of the following requirements:

(a) The project must be certified as a secondary recovery project to the department by the board. The certification may be extended only after notice and hearing in accordance with Title 2, chapter 4.

(b) The property to be affected by the project must be adequately delineated according to the specifications required by the board.

(c) The project must involve the application of secondary recovery methods that can reasonably be expected to result in an increase, determined by the board to be significant in light of all the facts and circumstances, in the amount of oil that may potentially be recovered. For purposes of this part, secondary recovery methods include but are not limited to:

(i) the injection of water into the producing formation for the purposes of maintaining pressure in that formation or for the purpose of increasing the flow of oil from the producing formation to a producing wellbore; or

(ii) any other method approved by the board as a secondary recovery method.

(21)(23) "Stripper natural gas" means the natural gas produced from any well that produces less than 60,000 cubic feet of natural gas a day during the calendar year immediately preceding the current year. Production must be determined by dividing the amount of production from a lease or unitized area for the year immediately preceding the current calendar year by the number of producing wells in the lease or unitized area and by dividing the resulting quotient by 365.

(22)(a) "Stripper oil" means the oil produced from any well that produces more than 3 barrels but fewer than 15 barrels a day for the calendar year immediately preceding the current year if the average price for a barrel of west Texas intermediate crude oil during a calendar quarter is less than \$30. If the price of oil is equal to or greater than \$30 a barrel in a calendar quarter, there is no stripper tax rate in that quarter.

(b) The average price for a barrel is computed by dividing the sum of the daily price for a barrel of west Texas intermediate crude oil for the calendar quarter by the number of days on which the price was reported in the quarter.

(c) Production must be determined by dividing the amount of production from a lease or unitized area for the year immediately preceding the current calendar year by the number of producing wells in the lease or unitized area and then dividing the resulting quotient by 365.

(23)(24) "Stripper well exemption" or "stripper well bonus" means petroleum and other mineral or crude oil produced by a stripper well that

produces 3 barrels a day or less. Production from this type of well must be determined as provided in subsection ~~(22)(c)~~ (15)(c).

~~(24)~~(25) "Tertiary recovery project" means an enhanced recovery project, other than a secondary recovery project, using a tertiary recovery method that meets the following requirements:

(a) The project must be certified as a tertiary recovery project to the department by the board. The certification may be extended only after notice and hearing in accordance with Title 2, chapter 4.

(b) The property to be affected by the project must be adequately delineated in the certification according to the specifications required by the board.

(c) The project must involve the application of one or more tertiary recovery methods that can reasonably be expected to result in an increase, determined by the board to be significant in light of all the facts and circumstances, in the amount of crude oil that may potentially be recovered. For purposes of this part, tertiary recovery methods include but are not limited to:

- (i) miscible fluid displacement;
- (ii) steam drive injection;
- (iii) micellar/emulsion flooding;
- (iv) in situ combustion;
- (v) polymer augmented water flooding;
- (vi) cyclic steam injection;
- (vii) alkaline or caustic flooding;
- (viii) carbon dioxide water flooding;
- (ix) immiscible carbon dioxide displacement; and
- (x) any other method approved by the board as a tertiary recovery method.

~~(25)~~(26) "Well" or "wells" means a single well or a group of wells in one field or production unit and under the control of one operator or producer.

~~(26)~~(27) "Working interest owner" means the owner of an interest in an oil or natural gas well or wells who bears any portion of the exploration, development, and operating costs of the well or wells."

Section 2. Section 15-36-303, MCA, is amended to read:

"15-36-303. Definitions. As used in this part, the following definitions apply:

(1) "Board" means the board of oil and gas conservation provided for in 2-15-3303.

(2) "Department" means the department of revenue provided for in 2-15-1301.

(3) "Enhanced recovery project" means the use of any process for the displacement of oil from the earth other than primary recovery and includes the use of an immiscible, miscible, chemical, thermal, or biological process.

(4) "Existing enhanced recovery project" means an enhanced recovery project that began development before January 1, 1994.

(5) "Expanded enhanced recovery project" or "expansion" means the addition of injection wells or production wells, the recompletion of existing wells as horizontally completed wells, the change of an injection pattern, or other operating changes to an existing enhanced recovery project that will result in the recovery of oil that would not otherwise be recovered. The project must be developed after December 31, 1993.

(6) "Gross taxable value", for the purpose of computing the oil and natural gas production tax, means the gross value of the product as determined in 15-36-305.

(7) "Horizontal drain hole" means that portion of a wellbore with 70 degrees to 110 degrees deviation from the vertical and a horizontal projection

within the common source of supply, as that term is defined by the board, that exceeds 100 feet.

(8) "Horizontally completed well" means:

(a) a well with one or more horizontal drain holes; or

(b) any other well classified by the board as a horizontally completed well.

(9) "Incremental production" means:

(a) the volume of oil produced by a new enhanced recovery project, by a well in primary recovery recompleted as a horizontally completed well, or by an expanded enhanced recovery project, which volume of production is in excess of the production decline rate established under the conditions existing before:

(i) commencing the recompletion of a well as a horizontally completed well;

(ii) expanding the existing enhanced recovery project; or

(iii) commencing a new enhanced recovery project; or

(b) in the case of any project that had no taxable production prior to commencing the enhanced recovery project, all production of oil from the enhanced recovery project.

(10) "Natural gas" or "gas" means natural gas and other fluid hydrocarbons, other than oil, produced at the wellhead.

(11) "New enhanced recovery project" means an enhanced recovery project that began development after December 31, 1993.

(12) "Nonworking interest owner" means any interest owner who does not share in the exploration, development, and operation costs of the lease or unit, except for production taxes.

(13) "Oil" means crude petroleum or mineral oil and other hydrocarbons, regardless of gravity, that are produced at the wellhead in liquid form and that are not the result of condensation of gas after it leaves the wellhead.

(14) "Operator" or "producer" means a person who produces oil or natural gas within this state or who owns, controls, manages, leases, or operates within this state any well or wells from which any marketable oil or natural gas is extracted or produced.

(15) (a) *"Post-1999 stripper well" means an oil well drilled on or after January 1, 1999, that produces more than 3 barrels but fewer than 15 barrels a day for the calendar year immediately preceding the current year if the average price for a barrel of crude oil reported and received by the producer for Montana oil marketed during a calendar quarter is less than \$30. If the price of oil is equal to or greater than \$30 a barrel in a calendar quarter, there is no stripper tax rate in that quarter.*

(b) *The average price for a barrel is computed by dividing the sum of the daily price for a barrel of west Texas intermediate crude oil for the calendar quarter by the number of days on which the price was reported in the quarter.*

(c) *Production must be determined by dividing the amount of production from a lease or unitized area for the year immediately preceding the current calendar year by the number of producing wells in the lease or unitized area and then dividing the resulting quotient by 365.*

(15)(16) "Post-1999 well" means an oil or natural gas well drilled on or after January 1, 1999, that produces oil or natural gas or a well that has not produced oil or natural gas during the 5 years immediately preceding the first month of qualifying as a post-1999 well.

(17) (a) *"Pre-1999 stripper well" means an oil well that was drilled before January 1, 1999, that produces more than 3 barrels a day but fewer than 10 barrels a day.*

(b) *Production must be determined by dividing the amount of production from a lease or unitized area for the year immediately preceding the current calendar year by the number of producing wells in the lease or unitized area and then dividing the resulting quotient by 365.*

~~(16)~~(18) "Pre-1999 well" means an oil or natural gas well that was drilled before January 1, 1999.

~~(17)~~(19) "Primary recovery" means the displacement of oil from the earth into the wellbore by means of the natural pressure of the oil reservoir and includes artificial lift.

~~(18)~~(20) "Production decline rate" means the projected rate of future oil production, extrapolated by a method approved by the board, that must be determined for a project area prior to commencing a new or expanded enhanced recovery project or the recompletion of a well as a horizontally completed well. The approved production decline rate must be certified in writing to the department by the board. In that certification, the board shall identify the project area and shall specify the projected rate of future oil production by calendar year and by calendar quarter within each year. The certified rate of future oil production must be used to determine the volume of incremental production that qualifies for the tax rate imposed under 15-36-304(5)(e).

~~(19)~~(21) (a) "Qualifying production" means the first 12 months of production of oil or natural gas from a well drilled after December 31, 1998, or the first 18 months of production of oil or natural gas from a horizontally completed well drilled after December 31, 1998, or from a well that has not produced oil or natural gas during the 5 years immediately preceding the first month of qualifying production.

(b) Qualifying production does not include oil production from a horizontally recompleted well.

~~(20)~~(22) "Secondary recovery project" means an enhanced recovery project, other than a tertiary recovery project, that commenced or was expanded after December 31, 1993, and meets each of the following requirements:

(a) The project must be certified as a secondary recovery project to the department by the board. The certification may be extended only after notice and hearing in accordance with Title 2, chapter 4.

(b) The property to be affected by the project must be adequately delineated according to the specifications required by the board.

(c) The project must involve the application of secondary recovery methods that can reasonably be expected to result in an increase, determined by the board to be significant in light of all the facts and circumstances, in the amount of oil that may potentially be recovered. For purposes of this part, secondary recovery methods include but are not limited to:

(i) the injection of water into the producing formation for the purposes of maintaining pressure in that formation or for the purpose of increasing the flow of oil from the producing formation to a producing wellbore; or

(ii) any other method approved by the board as a secondary recovery method.

~~(21)~~(23) "Stripper natural gas" means the natural gas produced from any well that produces less than 60,000 cubic feet of natural gas a day during the calendar year immediately preceding the current year. Production must be determined by dividing the amount of production from a lease or unitized area for the year immediately preceding the current calendar year by the number of producing wells in the lease or unitized area and by dividing the resulting quotient by 365.

~~(22)~~(a) "Stripper oil" means the oil produced from any well that produces more than 3 barrels but fewer than 15 barrels a day for the calendar year

immediately preceding the current year if the average price for a barrel of west Texas intermediate crude oil during a calendar quarter is less than \$30. If the price of oil is equal to or greater than \$30 a barrel in a calendar quarter, there is no stripper tax rate in that quarter.

(b) The average price for a barrel is computed by dividing the sum of the daily price for a barrel of west Texas intermediate crude oil for the calendar quarter by the number of days on which the price was reported in the quarter.

(c) Production must be determined by dividing the amount of production from a lease or unitized area for the year immediately preceding the current calendar year by the number of producing wells in the lease or unitized area and then dividing the resulting quotient by 365.

(23)(24) "Stripper well exemption" or "stripper well bonus" means petroleum and other mineral or crude oil produced by a stripper well that produces 3 barrels a day or less. Production from this type of well must be determined as provided in subsection (22)(c) (15)(c).

(24)(25) "Tertiary recovery project" means an enhanced recovery project, other than a secondary recovery project, using a tertiary recovery method that meets the following requirements:

(a) The project must be certified as a tertiary recovery project to the department by the board. The certification may be extended only after notice and hearing in accordance with Title 2, chapter 4.

(b) The property to be affected by the project must be adequately delineated in the certification according to the specifications required by the board.

(c) The project must involve the application of one or more tertiary recovery methods that can reasonably be expected to result in an increase, determined by the board to be significant in light of all the facts and circumstances, in the amount of crude oil that may potentially be recovered. For purposes of this part, tertiary recovery methods include but are not limited to:

- (i) miscible fluid displacement;
- (ii) steam drive injection;
- (iii) micellar/emulsion flooding;
- (iv) in situ combustion;
- (v) polymer augmented water flooding;
- (vi) cyclic steam injection;
- (vii) alkaline or caustic flooding;
- (viii) carbon dioxide water flooding;
- (ix) immiscible carbon dioxide displacement; and
- (x) any other method approved by the board as a tertiary recovery method.

(25)(26) "Well" or "wells" means a single well or a group of wells in one field or production unit and under the control of one operator or producer.

(26)(27) "Working interest owner" means the owner of an interest in an oil or natural gas well or wells who bears any portion of the exploration, development, and operating costs of the well or wells."

Section 3. Section 15-36-303, MCA, is amended to read:

"15-36-303. Definitions. As used in this part, the following definitions apply:

(1) "Board" means the board of oil and gas conservation provided for in 2-15-3303.

(2) "Department" means the department of revenue provided for in 2-15-1301.

(3) "Enhanced recovery project" means the use of any process for the displacement of oil from the earth other than primary recovery and includes the use of an immiscible, miscible, chemical, thermal, or biological process.

(4) "Existing enhanced recovery project" means an enhanced recovery project that began development before January 1, 1994.

(5) "Expanded enhanced recovery project" or "expansion" means the addition of injection wells or production wells, the recompletion of existing wells as horizontally completed wells, the change of an injection pattern, or other operating changes to an existing enhanced recovery project that will result in the recovery of oil that would not otherwise be recovered. The project must be developed after December 31, 1993.

(6) "Gross taxable value", for the purpose of computing the oil and natural gas production tax, means the gross value of the product as determined in 15-36-305.

(7) "Horizontal drain hole" means that portion of a wellbore with 70 degrees to 110 degrees deviation from the vertical and a horizontal projection within the common source of supply, as that term is defined by the board, that exceeds 100 feet.

(8) "Horizontally completed well" means:

(a) a well with one or more horizontal drain holes; or

(b) any other well classified by the board as a horizontally completed well.

(9) "Incremental production" means:

(a) the volume of oil produced by a new enhanced recovery project, by a well in primary recovery recompleted as a horizontally completed well, or by an expanded enhanced recovery project, which volume of production is in excess of the production decline rate established under the conditions existing before:

(i) commencing the recompletion of a well as a horizontally completed well;

(ii) expanding the existing enhanced recovery project; or

(iii) commencing a new enhanced recovery project; or

(b) in the case of any project that had no taxable production prior to commencing the enhanced recovery project, all production of oil from the enhanced recovery project.

(10) "Natural gas" or "gas" means natural gas and other fluid hydrocarbons, other than oil, produced at the wellhead.

(11) "New enhanced recovery project" means an enhanced recovery project that began development after December 31, 1993.

(12) "Nonworking interest owner" means any interest owner who does not share in the exploration, development, and operation costs of the lease or unit, except for production taxes.

(13) "Oil" means crude petroleum or mineral oil and other hydrocarbons, regardless of gravity, that are produced at the wellhead in liquid form and that are not the result of condensation of gas after it leaves the wellhead.

(14) "Operator" or "producer" means a person who produces oil or natural gas within this state or who owns, controls, manages, leases, or operates within this state any well or wells from which any marketable oil or natural gas is extracted or produced.

(15) (a) *"Post-1999 stripper well" means an oil well drilled on or after January 1, 1999, that produces more than 3 barrels but fewer than 15 barrels a day for the calendar year immediately preceding the current year if the average price for a barrel of crude oil reported and received by the producer for Montana oil marketed during a calendar quarter is less than \$30. If the price of oil is equal to or greater than \$30 a barrel in a calendar quarter, there is no stripper tax rate in that quarter.*

(b) *The average price for a barrel is computed by dividing the sum of the daily price for a barrel of west Texas intermediate crude oil for the calendar quarter by the number of days on which the price was reported in the quarter.*

(c) *Production must be determined by dividing the amount of production from a lease or unitized area for the year immediately preceding the current calendar year by the number of producing wells in the lease or unitized area and then dividing the resulting quotient by 365.*

(15)(16) "Post-1999 well" means an oil or natural gas well drilled on or after January 1, 1999, that produces oil or natural gas or a well that has not produced oil or natural gas during the 5 years immediately preceding the first month of qualifying as a post-1999 well.

(17) (a) "Pre-1999 stripper well" means an oil well that was drilled before January 1, 1999, that produces more than 3 barrels a day but fewer than 10 barrels a day.

(b) *Production must be determined by dividing the amount of production from a lease or unitized area for the year immediately preceding the current calendar year by the number of producing wells in the lease or unitized area and then dividing the resulting quotient by 365.*

(16)(18) "Pre-1999 well" means an oil or natural gas well that was drilled before January 1, 1999.

(17)(19) "Primary recovery" means the displacement of oil from the earth into the wellbore by means of the natural pressure of the oil reservoir and includes artificial lift.

(18)(20) "Production decline rate" means the projected rate of future oil production, extrapolated by a method approved by the board, that must be determined for a project area prior to commencing a new or expanded enhanced recovery project or the recompletion of a well as a horizontally completed well. The approved production decline rate must be certified in writing to the department by the board. In that certification, the board shall identify the project area and shall specify the projected rate of future oil production by calendar year and by calendar quarter within each year. The certified rate of future oil production must be used to determine the volume of incremental production that qualifies for the tax rate imposed under 15-36-304(5)(e).

(19)(21) (a) "Qualifying production" means the first 12 months of production of oil or natural gas from a well drilled after December 31, 1998, or the first 18 months of production of oil or natural gas from a horizontally completed well drilled after December 31, 1998, or from a well that has not produced oil or natural gas during the 5 years immediately preceding the first month of qualifying production.

(b) Qualifying production does not include oil production from a horizontally recompleted well.

(20)(22) "Secondary recovery project" means an enhanced recovery project, other than a tertiary recovery project, that commenced or was expanded after December 31, 1993, and meets each of the following requirements:

(a) The project must be certified as a secondary recovery project to the department by the board. The certification may be extended only after notice and hearing in accordance with Title 2, chapter 4.

(b) The property to be affected by the project must be adequately delineated according to the specifications required by the board.

(c) The project must involve the application of secondary recovery methods that can reasonably be expected to result in an increase, determined by the board to be significant in light of all the facts and circumstances, in the amount of oil that may potentially be recovered. For purposes of this part, secondary recovery methods include but are not limited to:

(i) the injection of water into the producing formation for the purposes of maintaining pressure in that formation or for the purpose of increasing the flow of oil from the producing formation to a producing wellbore; or

(ii) any other method approved by the board as a secondary recovery method.

~~(21)~~(23) "Stripper natural gas" means the natural gas produced from any well that produces less than 60,000 cubic feet of natural gas a day during the calendar year immediately preceding the current year. Production must be determined by dividing the amount of production from a lease or unitized area for the year immediately preceding the current calendar year by the number of producing wells in the lease or unitized area and by dividing the resulting quotient by 365.

~~(22)~~ (a) "Stripper oil" means the oil produced from any well that produces more than 3 barrels but fewer than 15 barrels a day for the calendar year immediately preceding the current year if the average price for a barrel of west Texas intermediate crude oil during a calendar quarter is less than \$30. If the price of oil is equal to or greater than \$30 a barrel in a calendar quarter, there is no stripper tax rate in that quarter.

~~(b)~~ The average price for a barrel is computed by dividing the sum of the daily price for a barrel of west Texas intermediate crude oil for the calendar quarter by the number of days on which the price was reported in the quarter.

~~(c)~~ Production must be determined by dividing the amount of production from a lease or unitized area for the year immediately preceding the current calendar year by the number of producing wells in the lease or unitized area and then dividing the resulting quotient by 365.

~~(23)~~(24) "Stripper well exemption" or "stripper well bonus" means petroleum and other mineral or crude oil produced by a stripper well that produces 3 barrels a day or less. Production from this type of well must be determined as provided in subsection ~~(22)~~(c) (15)(c).

~~(24)~~(25) "Tertiary recovery project" means an enhanced recovery project, other than a secondary recovery project, using a tertiary recovery method that meets the following requirements:

(a) The project must be certified as a tertiary recovery project to the department by the board. The certification may be extended only after notice and hearing in accordance with Title 2, chapter 4.

(b) The property to be affected by the project must be adequately delineated in the certification according to the specifications required by the board.

(c) The project must involve the application of one or more tertiary recovery methods that can reasonably be expected to result in an increase, determined by the board to be significant in light of all the facts and circumstances, in the amount of crude oil that may potentially be recovered. For purposes of this part, tertiary recovery methods include but are not limited to:

- (i) miscible fluid displacement;
- (ii) steam drive injection;
- (iii) micellar/emulsion flooding;
- (iv) in situ combustion;
- (v) polymer augmented water flooding;
- (vi) cyclic steam injection;
- (vii) alkaline or caustic flooding;
- (viii) carbon dioxide water flooding;
- (ix) immiscible carbon dioxide displacement; and
- (x) any other method approved by the board as a tertiary recovery method.

~~(25)~~(26) "Well" or "wells" means a single well or a group of wells in one field or production unit and under the control of one operator or producer.

(26)(27) “Working interest owner” means the owner of an interest in an oil or natural gas well or wells who bears any portion of the exploration, development, and operating costs of the well or wells.”

Section 4. Section 15-36-303, MCA, is amended to read:

“15-36-303. Definitions. As used in this part, the following definitions apply:

(1) “Board” means the board of oil and gas conservation provided for in 2-15-3303.

(2) “Department” means the department of revenue provided for in 2-15-1301.

(3) “Enhanced recovery project” means the use of any process for the displacement of oil from the earth other than primary recovery and includes the use of an immiscible, miscible, chemical, thermal, or biological process.

(4) “Existing enhanced recovery project” means an enhanced recovery project that began development before January 1, 1994.

(5) “Expanded enhanced recovery project” or “expansion” means the addition of injection wells or production wells, the recompletion of existing wells as horizontally completed wells, the change of an injection pattern, or other operating changes to an existing enhanced recovery project that will result in the recovery of oil that would not otherwise be recovered. The project must be developed after December 31, 1993.

(6) “Gross taxable value”, for the purpose of computing the oil and natural gas production tax, means the gross value of the product as determined in 15-36-305.

(7) “Horizontal drain hole” means that portion of a wellbore with 70 degrees to 110 degrees deviation from the vertical and a horizontal projection within the common source of supply, as that term is defined by the board, that exceeds 100 feet.

(8) “Horizontally completed well” means:

(a) a well with one or more horizontal drain holes; or

(b) any other well classified by the board as a horizontally completed well.

(9) “Incremental production” means:

(a) the volume of oil produced by a new enhanced recovery project, by a well in primary recovery recompleted as a horizontally completed well, or by an expanded enhanced recovery project, which volume of production is in excess of the production decline rate established under the conditions existing before:

(i) commencing the recompletion of a well as a horizontally completed well;

(ii) expanding the existing enhanced recovery project; or

(iii) commencing a new enhanced recovery project; or

(b) in the case of any project that had no taxable production prior to commencing the enhanced recovery project, all production of oil from the enhanced recovery project.

(10) “Natural gas” or “gas” means natural gas and other fluid hydrocarbons, other than oil, produced at the wellhead.

(11) “New enhanced recovery project” means an enhanced recovery project that began development after December 31, 1993.

(12) “Nonworking interest owner” means any interest owner who does not share in the exploration, development, and operation costs of the lease or unit, except for production taxes.

(13) “Oil” means crude petroleum or mineral oil and other hydrocarbons, regardless of gravity, that are produced at the wellhead in liquid form and that are not the result of condensation of gas after it leaves the wellhead.

(14) "Operator" or "producer" means a person who produces oil or natural gas within this state or who owns, controls, manages, leases, or operates within this state any well or wells from which any marketable oil or natural gas is extracted or produced.

(15) (a) *"Post-1999 stripper well" means an oil well drilled on or after January 1, 1999, that produces more than 3 barrels but fewer than 15 barrels a day for the calendar year immediately preceding the current year if the average price for a barrel of crude oil reported and received by the producer for Montana oil marketed during a calendar quarter is less than \$30. If the price of oil is equal to or greater than \$30 a barrel in a calendar quarter, there is no stripper tax rate in that quarter.*

(b) *The average price for a barrel is computed by dividing the sum of the daily price for a barrel of west Texas intermediate crude oil for the calendar quarter by the number of days on which the price was reported in the quarter.*

(c) *Production must be determined by dividing the amount of production from a lease or unitized area for the year immediately preceding the current calendar year by the number of producing wells in the lease or unitized area and then dividing the resulting quotient by 365.*

~~(15)~~(16) "Post-1999 well" means an oil or natural gas well drilled on or after January 1, 1999, that produces oil or natural gas or a well that has not produced oil or natural gas during the 5 years immediately preceding the first month of qualifying as a post-1999 well.

(17) (a) *"Pre-1999 stripper well" means an oil well that was drilled before January 1, 1999, that produces more than 3 barrels a day but fewer than 10 barrels a day.*

(b) *Production must be determined by dividing the amount of production from a lease or unitized area for the year immediately preceding the current calendar year by the number of producing wells in the lease or unitized area and then dividing the resulting quotient by 365.*

~~(16)~~(18) "Pre-1999 well" means an oil or natural gas well that was drilled before January 1, 1999.

~~(17)~~(19) "Primary recovery" means the displacement of oil from the earth into the wellbore by means of the natural pressure of the oil reservoir and includes artificial lift.

~~(18)~~(20) "Production decline rate" means the projected rate of future oil production, extrapolated by a method approved by the board, that must be determined for a project area prior to commencing a new or expanded enhanced recovery project or the recompletion of a well as a horizontally completed well. The approved production decline rate must be certified in writing to the department by the board. In that certification, the board shall identify the project area and shall specify the projected rate of future oil production by calendar year and by calendar quarter within each year. The certified rate of future oil production must be used to determine the volume of incremental production that qualifies for the tax rate imposed under 15-36-304(5)(e).

~~(19)~~(21) (a) "Qualifying production" means the first 12 months of production of oil or natural gas from a well drilled after December 31, 1998, or the first 18 months of production of oil or natural gas from a horizontally completed well drilled after December 31, 1998, or from a well that has not produced oil or natural gas during the 5 years immediately preceding the first month of qualifying production.

(b) Qualifying production does not include oil production from a horizontally recompleted well.

(20)(22) "Secondary recovery project" means an enhanced recovery project, other than a tertiary recovery project, that commenced or was expanded after December 31, 1993, and meets each of the following requirements:

(a) The project must be certified as a secondary recovery project to the department by the board. The certification may be extended only after notice and hearing in accordance with Title 2, chapter 4.

(b) The property to be affected by the project must be adequately delineated according to the specifications required by the board.

(c) The project must involve the application of secondary recovery methods that can reasonably be expected to result in an increase, determined by the board to be significant in light of all the facts and circumstances, in the amount of oil that may potentially be recovered. For purposes of this part, secondary recovery methods include but are not limited to:

(i) the injection of water into the producing formation for the purposes of maintaining pressure in that formation or for the purpose of increasing the flow of oil from the producing formation to a producing wellbore; or

(ii) any other method approved by the board as a secondary recovery method.

(21)(23) "Stripper natural gas" means the natural gas produced from any well that produces less than 60,000 cubic feet of natural gas a day during the calendar year immediately preceding the current year. Production must be determined by dividing the amount of production from a lease or unitized area for the year immediately preceding the current calendar year by the number of producing wells in the lease or unitized area and by dividing the resulting quotient by 365.

(22)(a) "Stripper oil" means the oil produced from any well that produces more than 3 barrels but fewer than 15 barrels a day for the calendar year immediately preceding the current year if the average price for a barrel of west Texas intermediate crude oil during a calendar quarter is less than \$30. If the price of oil is equal to or greater than \$30 a barrel in a calendar quarter, there is no stripper tax rate in that quarter.

(b) The average price for a barrel is computed by dividing the sum of the daily price for a barrel of west Texas intermediate crude oil for the calendar quarter by the number of days on which the price was reported in the quarter.

(c) Production must be determined by dividing the amount of production from a lease or unitized area for the year immediately preceding the current calendar year by the number of producing wells in the lease or unitized area and then dividing the resulting quotient by 365.

(23)(24) "Stripper well exemption" or "stripper well bonus" means petroleum and other mineral or crude oil produced by a stripper well that produces 3 barrels a day or less. Production from this type of well must be determined as provided in subsection (22)(c) (15)(c).

(24)(25) "Tertiary recovery project" means an enhanced recovery project, other than a secondary recovery project, using a tertiary recovery method that meets the following requirements:

(a) The project must be certified as a tertiary recovery project to the department by the board. The certification may be extended only after notice and hearing in accordance with Title 2, chapter 4.

(b) The property to be affected by the project must be adequately delineated in the certification according to the specifications required by the board.

(c) The project must involve the application of one or more tertiary recovery methods that can reasonably be expected to result in an increase, determined by the board to be significant in light of all the facts and circumstances, in the

amount of crude oil that may potentially be recovered. For purposes of this part, tertiary recovery methods include but are not limited to:

- (i) miscible fluid displacement;
- (ii) steam drive injection;
- (iii) micellar/emulsion flooding;
- (iv) in situ combustion;
- (v) polymer augmented water flooding;
- (vi) cyclic steam injection;
- (vii) alkaline or caustic flooding;
- (viii) carbon dioxide water flooding;
- (ix) immiscible carbon dioxide displacement; and
- (x) any other method approved by the board as a tertiary recovery method.

~~(25)~~(26) "Well" or "wells" means a single well or a group of wells in one field or production unit and under the control of one operator or producer.

~~(26)~~(27) "Working interest owner" means the owner of an interest in an oil or natural gas well or wells who bears any portion of the exploration, development, and operating costs of the well or wells."

Section 5. Section 15-36-303, MCA, is amended to read:

"15-36-303. Definitions. As used in this part, the following definitions apply:

(1) "Board" means the board of oil and gas conservation provided for in 2-15-3303.

(2) "Department" means the department of revenue provided for in 2-15-1301.

(3) "Enhanced recovery project" means the use of any process for the displacement of oil from the earth other than primary recovery and includes the use of an immiscible, miscible, chemical, thermal, or biological process.

(4) "Existing enhanced recovery project" means an enhanced recovery project that began development before January 1, 1994.

(5) "Expanded enhanced recovery project" or "expansion" means the addition of injection wells or production wells, the recompletion of existing wells as horizontally completed wells, the change of an injection pattern, or other operating changes to an existing enhanced recovery project that will result in the recovery of oil that would not otherwise be recovered. The project must be developed after December 31, 1993.

(6) "Gross taxable value", for the purpose of computing the oil and natural gas production tax, means the gross value of the product as determined in 15-36-305.

(7) "Horizontal drain hole" means that portion of a wellbore with 70 degrees to 110 degrees deviation from the vertical and a horizontal projection within the common source of supply, as that term is defined by the board, that exceeds 100 feet.

(8) "Horizontally completed well" means:

- (a) a well with one or more horizontal drain holes; or
- (b) any other well classified by the board as a horizontally completed well.

(9) "Incremental production" means:

(a) the volume of oil produced by a new enhanced recovery project, by a well in primary recovery recompleted as a horizontally completed well, or by an expanded enhanced recovery project, which volume of production is in excess of the production decline rate established under the conditions existing before:

- (i) commencing the recompletion of a well as a horizontally completed well;
- (ii) expanding the existing enhanced recovery project; or

(iii) commencing a new enhanced recovery project; or

(b) in the case of any project that had no taxable production prior to commencing the enhanced recovery project, all production of oil from the enhanced recovery project.

(10) "Natural gas" or "gas" means natural gas and other fluid hydrocarbons, other than oil, produced at the wellhead.

(11) "New enhanced recovery project" means an enhanced recovery project that began development after December 31, 1993.

(12) "Nonworking interest owner" means any interest owner who does not share in the exploration, development, and operation costs of the lease or unit, except for production taxes.

(13) "Oil" means crude petroleum or mineral oil and other hydrocarbons, regardless of gravity, that are produced at the wellhead in liquid form and that are not the result of condensation of gas after it leaves the wellhead.

(14) "Operator" or "producer" means a person who produces oil or natural gas within this state or who owns, controls, manages, leases, or operates within this state any well or wells from which any marketable oil or natural gas is extracted or produced.

(15) (a) *"Post-1999 stripper well" means an oil well drilled on or after January 1, 1999, that produces more than 3 barrels but fewer than 15 barrels a day for the calendar year immediately preceding the current year if the average price for a barrel of crude oil reported and received by the producer for Montana oil marketed during a calendar quarter is less than \$30. If the price of oil is equal to or greater than \$30 a barrel in a calendar quarter, there is no stripper tax rate in that quarter.*

(b) *The average price for a barrel is computed by dividing the sum of the daily price for a barrel of west Texas intermediate crude oil for the calendar quarter by the number of days on which the price was reported in the quarter.*

(c) *Production must be determined by dividing the amount of production from a lease or unitized area for the year immediately preceding the current calendar year by the number of producing wells in the lease or unitized area and then dividing the resulting quotient by 365.*

(15)(16) "Post-1999 well" means an oil or natural gas well drilled on or after January 1, 1999, that produces oil or natural gas or a well that has not produced oil or natural gas during the 5 years immediately preceding the first month of qualifying as a post-1999 well.

(17) (a) *"Pre-1999 stripper well" means an oil well that was drilled before January 1, 1999, that produces more than 3 barrels a day but fewer than 10 barrels a day.*

(b) *Production must be determined by dividing the amount of production from a lease or unitized area for the year immediately preceding the current calendar year by the number of producing wells in the lease or unitized area and then dividing the resulting quotient by 365.*

(16)(18) "Pre-1999 well" means an oil or natural gas well that was drilled before January 1, 1999.

(17)(19) "Primary recovery" means the displacement of oil from the earth into the wellbore by means of the natural pressure of the oil reservoir and includes artificial lift.

(18)(20) "Production decline rate" means the projected rate of future oil production, extrapolated by a method approved by the board, that must be determined for a project area prior to commencing a new or expanded enhanced recovery project or the recompletion of a well as a horizontally completed well. The approved production decline rate must be certified in writing to the department by the board. In that certification, the board shall identify the

project area and shall specify the projected rate of future oil production by calendar year and by calendar quarter within each year. The certified rate of future oil production must be used to determine the volume of incremental production that qualifies for the tax rate imposed under 15-36-304(5)(e).

(19)(21) (a) "Qualifying production" means the first 12 months of production of oil or natural gas from a well drilled after December 31, 1998, or the first 18 months of production of oil or natural gas from a horizontally completed well drilled after December 31, 1998, or from a well that has not produced oil or natural gas during the 5 years immediately preceding the first month of qualifying production.

(b) Qualifying production does not include oil production from a horizontally recompleted well.

(20)(22) "Secondary recovery project" means an enhanced recovery project, other than a tertiary recovery project, that commenced or was expanded after December 31, 1993, and meets each of the following requirements:

(a) The project must be certified as a secondary recovery project to the department by the board. The certification may be extended only after notice and hearing in accordance with Title 2, chapter 4.

(b) The property to be affected by the project must be adequately delineated according to the specifications required by the board.

(c) The project must involve the application of secondary recovery methods that can reasonably be expected to result in an increase, determined by the board to be significant in light of all the facts and circumstances, in the amount of oil that may potentially be recovered. For purposes of this part, secondary recovery methods include but are not limited to:

(i) the injection of water into the producing formation for the purposes of maintaining pressure in that formation or for the purpose of increasing the flow of oil from the producing formation to a producing wellbore; or

(ii) any other method approved by the board as a secondary recovery method.

(21)(23) "Stripper natural gas" means the natural gas produced from any well that produces less than 60,000 cubic feet of natural gas a day during the calendar year immediately preceding the current year. Production must be determined by dividing the amount of production from a lease or unitized area for the year immediately preceding the current calendar year by the number of producing wells in the lease or unitized area and by dividing the resulting quotient by 365.

(22) (a) "Stripper oil" means the oil produced from any well that produces more than 3 barrels but fewer than 15 barrels a day for the calendar year immediately preceding the current year if the average price for a barrel of west Texas intermediate crude oil during a calendar quarter is less than \$30. If the price of oil is equal to or greater than \$30 a barrel in a calendar quarter, there is no stripper tax rate in that quarter.

(b) The average price for a barrel is computed by dividing the sum of the daily price for a barrel of west Texas intermediate crude oil for the calendar quarter by the number of days on which the price was reported in the quarter.

(c) Production must be determined by dividing the amount of production from a lease or unitized area for the year immediately preceding the current calendar year by the number of producing wells in the lease or unitized area and then dividing the resulting quotient by 365.

(23)(24) "Stripper well exemption" or "stripper well bonus" means petroleum and other mineral or crude oil produced by a stripper well that produces 3 barrels a day or less. Production from this type of well must be determined as provided in subsection (22)(c) (15)(c).

~~(24)~~(25) “Tertiary recovery project” means an enhanced recovery project, other than a secondary recovery project, using a tertiary recovery method that meets the following requirements:

(a) The project must be certified as a tertiary recovery project to the department by the board. The certification may be extended only after notice and hearing in accordance with Title 2, chapter 4.

(b) The property to be affected by the project must be adequately delineated in the certification according to the specifications required by the board.

(c) The project must involve the application of one or more tertiary recovery methods that can reasonably be expected to result in an increase, determined by the board to be significant in light of all the facts and circumstances, in the amount of crude oil that may potentially be recovered. For purposes of this part, tertiary recovery methods include but are not limited to:

- (i) miscible fluid displacement;
- (ii) steam drive injection;
- (iii) micellar/emulsion flooding;
- (iv) in situ combustion;
- (v) polymer augmented water flooding;
- (vi) cyclic steam injection;
- (vii) alkaline or caustic flooding;
- (viii) carbon dioxide water flooding;
- (ix) immiscible carbon dioxide displacement; and
- (x) any other method approved by the board as a tertiary recovery method.

~~(25)~~(26) “Well” or “wells” means a single well or a group of wells in one field or production unit and under the control of one operator or producer.

~~(26)~~(27) “Working interest owner” means the owner of an interest in an oil or natural gas well or wells who bears any portion of the exploration, development, and operating costs of the well or wells.”

Section 6. Section 15-36-304, MCA, is amended to read:

“**15-36-304. Production tax rates imposed on oil and natural gas – exemption.** (1) The production of oil and natural gas is taxed as provided in this section. The tax is distributed as provided in 15-36-331 and 15-36-332.

(2) Natural gas is taxed on the gross taxable value of production based on the type of well and type of production according to the following schedule for working interest and nonworking interest owners:

	Working Interest	Nonworking Interest
(a) (i) first 12 months of qualifying production	0.5%	14.8%
(ii) after 12 months:		
(A) pre-1999 wells	14.8%	14.8%
(B) post-1999 wells	9%	14.8%
(b) stripper natural gas pre-1999 wells	11%	14.8%
(c) horizontally completed well production:		
(i) first 18 months of qualifying production	0.5%	14.8%
(ii) after 18 months	9%	14.8%

(3) The reduced tax rates under subsection (2)(a)(i) on production for the first 12 months of natural gas production from a well begin following the last day of the calendar month immediately preceding the month in which natural gas is placed in a natural gas distribution system, provided that notification has been given to the department.

(4) The reduced tax rates under subsection (2)(c)(i) on production from a horizontally completed well for the first 18 months of production begin following the last day of the calendar month immediately preceding the month in which natural gas is placed in a natural gas distribution system, provided that notification has been given to the department.

(5) Oil is taxed on the gross taxable value of production based on the type of well and type of production according to the following schedule for working interest and nonworking interest owners:

	Working Interest	Nonworking Interest
(a) primary recovery production:		
(i) first 12 months of qualifying production	0.5%	14.8%
(ii) after 12 months:		
(A) pre-1999 wells	12.5%	14.8%
(B) post-1999 wells	9%	14.8%
(b) (i) <i>pre-1999 stripper oil production: wells</i>	<i>9.2%</i>	<i>14.8%</i>
(ii) (A) <i>pre-1999 stripper well exemption production</i>	<i>0.5%</i>	<i>14.8%</i>
(B) <i>pre-1999 stripper well bonus production</i>	<i>5%</i>	<i>14.8%</i>
(c) (i) <i>post-1999 stripper wells:</i>		
(i)(A) first 1 through 10 barrels a day production	5.5%	14.8%
(ii)(B) more than 10 barrels a day production	9.0%	14.8%
(c)(ii)(i) (A) <i>post-1999 stripper well exemption production</i>	0.5%	14.8%
(ii)(B) <i>post-1999 stripper well bonus production</i>	6.0%	14.8%
(d) horizontally completed well production:		
(i) first 18 months of qualifying production	0.5%	14.8%
(ii) after 18 months:		
(A) pre-1999 wells	12.5%	14.8%
(B) post-1999 wells	9%	14.8%
(e) incremental production:		
(i) new or expanded secondary recovery production	8.5%	14.8%
(ii) new or expanded tertiary production	5.8%	14.8%
(f) horizontally recompleted well:		
(i) first 18 months	5.5%	14.8%
(ii) after 18 months:		
(A) pre-1999 wells	12.5%	14.8%
(B) post-1999 wells	9%	14.8%

(6) (a) The reduced tax rates under subsection (5)(a)(i) for the first 12 months of oil production from a well begin following the last day of the

calendar month immediately preceding the month in which oil is pumped or flows, provided that notification has been given to the department.

(b) (i) The reduced tax rates under subsection (5)(d)(i) on oil production from a horizontally completed well for the first 18 months of production begin following the last day of the calendar month immediately preceding the month in which oil is pumped or flows if the well has been certified as a horizontally completed well to the department by the board.

(ii) The reduced tax rates under subsection (5)(f)(i) on oil production from a horizontally recompleted well for the first 18 months of production begin following the last day of the calendar month immediately preceding the month in which oil is pumped or flows if the well has been certified as a horizontally recompleted well to the department by the board.

(c) New or expanded secondary recovery production is taxed as provided in subsection (5)(e)(i) only if the average price for a barrel of west Texas intermediate crude reported and received by the producer for Montana oil marketed during a calendar quarter is less than \$54. If the price of oil is equal to or greater than \$54 a barrel in a calendar quarter as determined in subsection (6)(e), then new or expanded secondary recovery production from pre-1999 wells and from post-1999 wells is taxed at the rate imposed on primary recovery production under subsections (5)(a)(ii)(A) and (5)(a)(ii)(B), respectively, for production occurring in that quarter, other than exempt stripper well production.

(d) ~~(i) Stripper Pre-1999 stripper well exemption production is taxed as provided in subsection (5)(c)(i) (5)(b)(ii)(A) only if the average price reported and received by the producer for Montana oil marketed during a calendar quarter is less than \$54 a barrel. If the price of oil is equal to or greater than \$54 a barrel, there is no pre-1999 stripper well exemption tax rate and oil produced from a well that produces 3 barrels a day or less is taxed as pre-1999 stripper well bonus production.~~

(e) (i) *Post-1999 stripper well exemption production is taxed as provided in subsection (5)(c)(ii)(A) only if the average price reported and received by the producer for Montana oil marketed during a calendar quarter is less than \$54 a barrel. If the price of oil is equal to or greater than \$54 a barrel, there is no post-1999 stripper well exemption tax rate and oil produced from a well that produces 3 barrels a day or less is taxed as stripper well bonus production.*

(ii) Stripper well bonus production is subject to taxation as provided in subsection (5)(c)(ii)(B) only if the average price reported and received by the producer for Montana oil marketed during a calendar quarter is equal to or greater than \$54 a barrel.

~~(e) For the purposes of subsection (6)(c), the average price for each barrel must be computed by dividing the sum of the daily price for a barrel of west Texas intermediate crude oil for the calendar quarter by the number of days on which the price was reported in the quarter.~~

(7) The tax rates imposed under subsections (2) and (5) on working interest owners and nonworking interest owners must be adjusted to include the privilege and license tax adopted by the board of oil and gas conservation pursuant to 82-11-131 and the tax for the oil and gas natural resource distribution account. The total of the privilege and license tax and the tax for the oil and gas natural resource distribution account established in 90-6-1001(1) is 0.3%.

(8) Any interest in production owned by the state or a local government is exempt from taxation under this section."

Section 7. Section 15-36-304, MCA, is amended to read:

“15-36-304. Production tax rates imposed on oil and natural gas – exemption. (1) The production of oil and natural gas is taxed as provided in this section. The tax is distributed as provided in 15-36-331 and 15-36-332.

(2) Natural gas is taxed on the gross taxable value of production based on the type of well and type of production according to the following schedule for working interest and nonworking interest owners:

	Working Interest	Nonworking Interest
(a) (i) first 12 months of qualifying production	0.5%	14.8%
(ii) after 12 months:		
(A) pre-1999 wells	14.8%	14.8%
(B) post-1999 wells	9%	14.8%
(b) stripper natural gas pre-1999 wells	11%	14.8%
(c) horizontally completed well production:		
(i) first 18 months of qualifying production	0.5%	14.8%
(ii) after 18 months	9%	14.8%

(3) The reduced tax rates under subsection (2)(a)(i) on production for the first 12 months of natural gas production from a well begin following the last day of the calendar month immediately preceding the month in which natural gas is placed in a natural gas distribution system, provided that notification has been given to the department.

(4) The reduced tax rates under subsection (2)(c)(i) on production from a horizontally completed well for the first 18 months of production begin following the last day of the calendar month immediately preceding the month in which natural gas is placed in a natural gas distribution system, provided that notification has been given to the department.

(5) Oil is taxed on the gross taxable value of production based on the type of well and type of production according to the following schedule for working interest and nonworking interest owners:

	Working Interest	Nonworking Interest
(a) primary recovery production:		
(i) first 12 months of qualifying production	0.5%	14.8%
(ii) after 12 months:		
(A) pre-1999 wells	12.5%	14.8%
(B) post-1999 wells	9%	14.8%
(b) (i) <i>pre-1999 stripper oil production: wells</i>	9.2%	14.8%
(ii) (A) <i>pre-1999 stripper well exemption production</i>	0.5%	14.8%
(B) <i>pre-1999 stripper well bonus production</i>	5%	14.8%
(c) (i) <i>post-1999 stripper wells:</i>		
(A) first 1 through 10 barrels a day production	5.5%	14.8%

(B) more than 10 barrels a day production	9.0%	14.8%
(ii) (A) <i>post-1999</i> stripper well exemption production	0.5%	14.8%
(B) <i>post-1999</i> stripper well bonus production	6.0%	14.8%
(d) horizontally completed well production:		
(i) first 18 months of qualifying production	0.5%	14.8%
(ii) after 18 months:		
(A) pre-1999 wells	12.5%	14.8%
(B) post-1999 wells	9%	14.8%
(e) incremental production:		
(i) new or expanded secondary recovery production	8.5%	14.8%
(ii) new or expanded tertiary production	5.8%	14.8%
(f) horizontally recompleted well:		
(i) first 18 months	5.5%	14.8%
(ii) after 18 months:		
(A) pre-1999 wells	12.5%	14.8%
(B) post-1999 wells	9%	14.8%

(6) (a) The reduced tax rates under subsection (5)(a)(i) for the first 12 months of oil production from a well begin following the last day of the calendar month immediately preceding the month in which oil is pumped or flows, provided that notification has been given to the department.

(b) (i) The reduced tax rates under subsection (5)(d)(i) on oil production from a horizontally completed well for the first 18 months of production begin following the last day of the calendar month immediately preceding the month in which oil is pumped or flows if the well has been certified as a horizontally completed well to the department by the board.

(ii) The reduced tax rates under subsection (5)(f)(i) on oil production from a horizontally recompleted well for the first 18 months of production begin following the last day of the calendar month immediately preceding the month in which oil is pumped or flows if the well has been certified as a horizontally recompleted well to the department by the board.

(c) New or expanded secondary recovery production is taxed as provided in subsection (5)(e)(i) only if the average price for a barrel of west Texas intermediate crude reported and received by the producer for Montana oil marketed during a calendar quarter is less than \$54. If the price of oil is equal to or greater than \$54 a barrel in a calendar quarter as determined in subsection (6)(e), then new or expanded secondary recovery production from pre-1999 wells and from post-1999 wells is taxed at the rate imposed on primary recovery production under subsections (5)(a)(ii)(A) and (5)(a)(ii)(B), respectively, for production occurring in that quarter, other than exempt stripper well production.

(d) ~~(i) Stripper~~ *Pre-1999 stripper* well exemption production is taxed as provided in subsection ~~(5)(c)(i)~~ *(5)(b)(ii)(A)* only if the average price reported and received by the producer for Montana oil marketed during a calendar

quarter is less than \$54 a barrel. If the price of oil is equal to or greater than \$54 a barrel, there is no *pre-1999* stripper well exemption tax rate and oil produced from a well that produces 3 barrels a day or less is taxed as *pre-1999* stripper well bonus production.

(e) (i) *Post-1999 stripper well exemption production is taxed as provided in subsection (5)(c)(ii)(A) only if the average price reported and received by the producer for Montana oil marketed during a calendar quarter is less than \$54 a barrel. If the price of oil is equal to or greater than \$54 a barrel, there is no post-1999 stripper well exemption tax rate and oil produced from a well that produces 3 barrels a day or less is taxed as stripper well bonus production.*

(ii) Stripper well bonus production is subject to taxation as provided in subsection (5)(c)(ii)(B) only if the average price reported and received by the producer for Montana oil marketed during a calendar quarter is equal to or greater than \$54 a barrel.

~~(e) For the purposes of subsection (6)(c), the average price for each barrel must be computed by dividing the sum of the daily price for a barrel of west Texas intermediate crude oil for the calendar quarter by the number of days on which the price was reported in the quarter.~~

(7) The tax rates imposed under subsections (2) and (5) on working interest owners and nonworking interest owners must be adjusted to include the privilege and license tax adopted by the board of oil and gas conservation pursuant to 82-11-131 and the tax for the oil and gas natural resource distribution account. The total of the privilege and license tax and the tax for the oil and gas natural resource distribution account established in 90-6-1001(1) is 0.3%.

(8) Any interest in production owned by the state or a local government is exempt from taxation under this section.”

Section 8. Section 15-36-304, MCA, is amended to read:
“15-36-304. Production tax rates imposed on oil and natural gas – exemption. (1) The production of oil and natural gas is taxed as provided in this section. The tax is distributed as provided in 15-36-331 and 15-36-332.

(2) Natural gas is taxed on the gross taxable value of production based on the type of well and type of production according to the following schedule for working interest and nonworking interest owners:

	Working Interest	Nonworking Interest
(a) (i) first 12 months of qualifying production	0.5%	14.8%
(ii) after 12 months:		
(A) pre-1999 wells	14.8%	14.8%
(B) post-1999 wells	9%	14.8%
(b) stripper natural gas pre-1999 wells	11%	14.8%
(c) horizontally completed well production:		
(i) first 18 months of qualifying production	0.5%	14.8%
(ii) after 18 months	9%	14.8%

(3) The reduced tax rates under subsection (2)(a)(i) on production for the first 12 months of natural gas production from a well begin following the last day of the calendar month immediately preceding the month in which natural

gas is placed in a natural gas distribution system, provided that notification has been given to the department.

(4) The reduced tax rates under subsection (2)(c)(i) on production from a horizontally completed well for the first 18 months of production begin following the last day of the calendar month immediately preceding the month in which natural gas is placed in a natural gas distribution system, provided that notification has been given to the department.

(5) Oil is taxed on the gross taxable value of production based on the type of well and type of production according to the following schedule for working interest and nonworking interest owners:

	Working Interest	Nonworking Interest
(a) primary recovery production:		
(i) first 12 months of qualifying production	0.5%	14.8%
(ii) after 12 months:		
(A) pre-1999 wells	12.5%	14.8%
(B) post-1999 wells	9%	14.8%
(b) <i>(i) pre-1999 stripper oil production: wells</i>	<i>9.2%</i>	<i>14.8%</i>
(ii) (A) <i>pre-1999 stripper well exemption production</i>	<i>0.5%</i>	<i>14.8%</i>
(B) <i>pre-1999 stripper well bonus production</i>	<i>5%</i>	<i>14.8%</i>
(c) <i>(i) post-1999 stripper wells:</i>		
(A) first 1 through 10 barrels a day production	5.5%	14.8%
(B) more than 10 barrels a day production	9.0%	14.8%
(ii) (i) (A) <i>post-1999 stripper well exemption production</i>	0.5%	14.8%
(B) <i>post-1999 stripper well bonus production</i>	6.0%	14.8%
(d) horizontally completed well production:		
(i) first 18 months of qualifying production	0.5%	14.8%
(ii) after 18 months:		
(A) pre-1999 wells	12.5%	14.8%
(B) post-1999 wells	9%	14.8%
(e) incremental production:		
(i) new or expanded secondary recovery production	8.5%	14.8%
(ii) new or expanded tertiary production	5.8%	14.8%
(f) horizontally recompleted well:		
(i) first 18 months	5.5%	14.8%

(ii) after 18 months:

(A) pre-1999 wells	12.5%	14.8%
(B) post-1999 wells	9%	14.8%

(6) (a) The reduced tax rates under subsection (5)(a)(i) for the first 12 months of oil production from a well begin following the last day of the calendar month immediately preceding the month in which oil is pumped or flows, provided that notification has been given to the department.

(b) (i) The reduced tax rates under subsection (5)(d)(i) on oil production from a horizontally completed well for the first 18 months of production begin following the last day of the calendar month immediately preceding the month in which oil is pumped or flows if the well has been certified as a horizontally completed well to the department by the board.

(ii) The reduced tax rates under subsection (5)(f)(i) on oil production from a horizontally recompleted well for the first 18 months of production begin following the last day of the calendar month immediately preceding the month in which oil is pumped or flows if the well has been certified as a horizontally recompleted well to the department by the board.

(c) New or expanded secondary recovery production is taxed as provided in subsection (5)(e)(i) only if the average price for a barrel of west Texas intermediate crude reported and received by the producer for Montana oil marketed during a calendar quarter is less than \$54. If the price of oil is equal to or greater than \$54 a barrel in a calendar quarter as determined in subsection (6)(e), then new or expanded secondary recovery production from pre-1999 wells and from post-1999 wells is taxed at the rate imposed on primary recovery production under subsections (5)(a)(ii)(A) and (5)(a)(ii)(B), respectively, for production occurring in that quarter, other than exempt stripper well production.

(d) (i) ~~Stripper Pre-1999 stripper well exemption production is taxed as provided in subsection (5)(c)(i) (5)(b)(ii)(A) only if the average price reported and received by the producer for Montana oil marketed during a calendar quarter is less than \$54 a barrel. If the price of oil is equal to or greater than \$54 a barrel, there is no pre-1999 stripper well exemption tax rate and oil produced from a well that produces 3 barrels a day or less is taxed as pre-1999 stripper well bonus production.~~

(e) (i) *Post-1999 stripper well exemption production is taxed as provided in subsection (5)(c)(ii)(A) only if the average price reported and received by the producer for Montana oil marketed during a calendar quarter is less than \$54 a barrel. If the price of oil is equal to or greater than \$54 a barrel, there is no post-1999 stripper well exemption tax rate and oil produced from a well that produces 3 barrels a day or less is taxed as stripper well bonus production.*

(ii) Stripper well bonus production is subject to taxation as provided in subsection (5)(c)(ii)(B) only if the average price reported and received by the producer for Montana oil marketed during a calendar quarter is equal to or greater than \$54 a barrel.

~~(e) For the purposes of subsection (6)(c), the average price for each barrel must be computed by dividing the sum of the daily price for a barrel of west Texas intermediate crude oil for the calendar quarter by the number of days on which the price was reported in the quarter.~~

(7) The tax rates imposed under subsections (2) and (5) on working interest owners and nonworking interest owners must be adjusted to include the privilege and license tax adopted by the board of oil and gas conservation pursuant to 82-11-131 and the tax for the oil and gas natural resource distribution account. The total of the privilege and license tax and the tax for the oil and gas natural resource distribution account established in 90-6-1001(1) is 0.3%.

(8) Any interest in production owned by the state or a local government is exempt from taxation under this section.”

Section 9. Section 15-36-304, MCA, is amended to read:

“15-36-304. Production tax rates imposed on oil and natural gas – exemption. (1) The production of oil and natural gas is taxed as provided in this section. The tax is distributed as provided in 15-36-331 and 15-36-332.

(2) Natural gas is taxed on the gross taxable value of production based on the type of well and type of production according to the following schedule for working interest and nonworking interest owners:

	Working Interest	Nonworking Interest
(a) (i) first 12 months of qualifying production	0.5%	14.8%
(ii) after 12 months:		
(A) pre-1999 wells	14.8%	14.8%
(B) post-1999 wells	9%	14.8%
(b) stripper natural gas pre-1999 wells	11%	14.8%
(c) horizontally completed well production:		
(i) first 18 months of qualifying production	0.5%	14.8%
(ii) after 18 months	9%	14.8%

(3) The reduced tax rates under subsection (2)(a)(i) on production for the first 12 months of natural gas production from a well begin following the last day of the calendar month immediately preceding the month in which natural gas is placed in a natural gas distribution system, provided that notification has been given to the department.

(4) The reduced tax rates under subsection (2)(c)(i) on production from a horizontally completed well for the first 18 months of production begin following the last day of the calendar month immediately preceding the month in which natural gas is placed in a natural gas distribution system, provided that notification has been given to the department.

(5) Oil is taxed on the gross taxable value of production based on the type of well and type of production according to the following schedule for working interest and nonworking interest owners:

	Working Interest	Nonworking Interest
(a) primary recovery production:		
(i) first 12 months of qualifying production	0.5%	14.8%
(ii) after 12 months:		
(A) pre-1999 wells	12.5%	14.8%
(B) post-1999 wells	9%	14.8%
(b) (i) <i>pre-1999</i> stripper oil production: wells	9.2%	14.8%

(ii) (A) pre-1999 stripper well exemption production	0.5%	14.8%
(B) pre-1999 stripper well bonus production	5%	14.8%
(c) (i) post-1999 stripper wells:		
(A) first 1 through 10 barrels a day production	5.5%	14.8%
(B) more than 10 barrels a day production	9.0%	14.8%
(ii)(i) (A) post-1999 stripper well exemption production	0.5%	14.8%
(ii)(B) post-1999 stripper well bonus production	6.0%	14.8%
(d) horizontally completed well production:		
(i) first 18 months of qualifying production	0.5%	14.8%
(ii) after 18 months:		
(A) pre-1999 wells	12.5%	14.8%
(B) post-1999 wells	9%	14.8%
(e) incremental production:		
(i) new or expanded secondary recovery production	8.5%	14.8%
(ii) new or expanded tertiary production	5.8%	14.8%
(f) horizontally recompleted well:		
(i) first 18 months	5.5%	14.8%
(ii) after 18 months:		
(A) pre-1999 wells	12.5%	14.8%
(B) post-1999 wells	9%	14.8%
(6) (a) The reduced tax rates under subsection (5)(a)(i) for the first 12 months of oil production from a well begin following the last day of the calendar month immediately preceding the month in which oil is pumped or flows, provided that notification has been given to the department.		
(b) (i) The reduced tax rates under subsection (5)(d)(i) on oil production from a horizontally completed well for the first 18 months of production begin following the last day of the calendar month immediately preceding the month in which oil is pumped or flows if the well has been certified as a horizontally completed well to the department by the board.		
(ii) The reduced tax rates under subsection (5)(f)(i) on oil production from a horizontally recompleted well for the first 18 months of production begin following the last day of the calendar month immediately preceding the month in which oil is pumped or flows if the well has been certified as a horizontally recompleted well to the department by the board.		
(c) New or expanded secondary recovery production is taxed as provided in subsection (5)(e)(i) only if the average price for a barrel of west Texas intermediate crude reported and received by the producer for Montana oil marketed during a calendar quarter is less than \$54. If the price of oil is equal to or greater than \$54 a barrel in a calendar quarter as determined		

in subsection (6)(e), then new or expanded secondary recovery production from pre-1999 wells and from post-1999 wells is taxed at the rate imposed on primary recovery production under subsections (5)(a)(ii)(A) and (5)(a)(ii)(B), respectively, for production occurring in that quarter, other than exempt stripper well production.

(d) (i) ~~Stripper Pre-1999 stripper well exemption production is taxed as provided in subsection (5)(c)(i) (5)(b)(ii)(A) only if the average price reported and received by the producer for Montana oil marketed during a calendar quarter is less than \$54 a barrel. If the price of oil is equal to or greater than \$54 a barrel, there is no pre-1999 stripper well exemption tax rate and oil produced from a well that produces 3 barrels a day or less is taxed as pre-1999 stripper well bonus production.~~

(e) (i) *Post-1999 stripper well exemption production is taxed as provided in subsection (5)(c)(ii)(A) only if the average price reported and received by the producer for Montana oil marketed during a calendar quarter is less than \$54 a barrel. If the price of oil is equal to or greater than \$54 a barrel, there is no post-1999 stripper well exemption tax rate and oil produced from a well that produces 3 barrels a day or less is taxed as stripper well bonus production.*

(ii) Stripper well bonus production is subject to taxation as provided in subsection (5)(c)(ii)(B) only if the average price reported and received by the producer for Montana oil marketed during a calendar quarter is equal to or greater than \$54 a barrel.

~~(e) For the purposes of subsection (6)(c), the average price for each barrel must be computed by dividing the sum of the daily price for a barrel of west Texas intermediate crude oil for the calendar quarter by the number of days on which the price was reported in the quarter.~~

(7) The tax rates imposed under subsections (2) and (5) on working interest owners and nonworking interest owners must be adjusted to include the privilege and license tax adopted by the board of oil and gas conservation pursuant to 82-11-131 and the tax for the oil and gas natural resource distribution account. The total of the privilege and license tax and the tax for the oil and gas natural resource distribution account established in 90-6-1001(1) is 0.3%.

(8) Any interest in production owned by the state or a local government is exempt from taxation under this section."

Section 10. Section 15-36-304, MCA, is amended to read:

"15-36-304. Production tax rates imposed on oil and natural gas – exemption. (1) The production of oil and natural gas is taxed as provided in this section. The tax is distributed as provided in 15-36-331 and 15-36-332.

(2) Natural gas is taxed on the gross taxable value of production based on the type of well and type of production according to the following schedule for working interest and nonworking interest owners:

	Working Interest	Nonworking Interest
(a) (i) first 12 months of qualifying production	0.5%	14.8%
(ii) after 12 months:		
(A) pre-1999 wells	14.8%	14.8%
(B) post-1999 wells	9%	14.8%
(b) stripper natural gas pre-1999 wells	11%	14.8%

(c) horizontally completed well production:

(i) first 18 months of qualifying production	0.5%	14.8%
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(ii) after 18 months	9%	14.8%
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(3) The reduced tax rates under subsection (2)(a)(i) on production for the first 12 months of natural gas production from a well begin following the last day of the calendar month immediately preceding the month in which natural gas is placed in a natural gas distribution system, provided that notification has been given to the department.

(4) The reduced tax rates under subsection (2)(c)(i) on production from a horizontally completed well for the first 18 months of production begin following the last day of the calendar month immediately preceding the month in which natural gas is placed in a natural gas distribution system, provided that notification has been given to the department.

(5) Oil is taxed on the gross taxable value of production based on the type of well and type of production according to the following schedule for working interest and nonworking interest owners:

	Working Interest	Nonworking Interest
(a) primary recovery production:		
(i) first 12 months of qualifying production	0.5%	14.8%
(ii) after 12 months:		
(A) pre-1999 wells	12.5%	14.8%
(B) post-1999 wells	9%	14.8%
(b) (i) <i>pre-1999 stripper oil production: wells</i>	9.2%	14.8%
(ii) (A) <i>pre-1999 stripper well exemption production</i>	0.5%	14.8%
(B) <i>pre-1999 stripper well bonus production</i>	5%	14.8%
(c) (i) <i>post-1999 stripper wells:</i>		
(A) first 1 through 10 barrels a day production	5.5%	14.8%
(B) more than 10 barrels a day production	9.0%	14.8%
(ii)(i) (A) <i>post-1999 stripper well exemption production</i>	0.5%	14.8%
(ii)(B) <i>post-1999 stripper well bonus production</i>	6.0%	14.8%
(d) horizontally completed well production:		
(i) first 18 months of qualifying production	0.5%	14.8%
(ii) after 18 months:		
(A) pre-1999 wells	12.5%	14.8%
(B) post-1999 wells	9%	14.8%

(e) incremental
production:

(i) new or expanded secondary recovery production	8.5%	14.8%
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(ii) new or expanded tertiary production	5.8%	14.8%
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(f) horizontally
recompleted well:

(i) first 18 months	5.5%	14.8%
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(ii) after 18 months:

(A) pre-1999 wells	12.5%	14.8%
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(B) post-1999 wells	9%	14.8%
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(6) (a) The reduced tax rates under subsection (5)(a)(i) for the first 12 months of oil production from a well begin following the last day of the calendar month immediately preceding the month in which oil is pumped or flows, provided that notification has been given to the department.

(b) (i) The reduced tax rates under subsection (5)(d)(i) on oil production from a horizontally completed well for the first 18 months of production begin following the last day of the calendar month immediately preceding the month in which oil is pumped or flows if the well has been certified as a horizontally completed well to the department by the board.

(ii) The reduced tax rates under subsection (5)(f)(i) on oil production from a horizontally recompleted well for the first 18 months of production begin following the last day of the calendar month immediately preceding the month in which oil is pumped or flows if the well has been certified as a horizontally recompleted well to the department by the board.

(c) New or expanded secondary recovery production is taxed as provided in subsection (5)(e)(i) only if the average price for ~~a barrel of west Texas intermediate crude reported and received by the producer for Montana oil marketed~~ during a calendar quarter is less than \$54. If the price of oil is equal to or greater than \$54 a barrel ~~in a calendar quarter as determined in subsection (6)(e)~~, then new or expanded secondary recovery production from pre-1999 wells and from post-1999 wells is taxed at the rate imposed on primary recovery production under subsections (5)(a)(ii)(A) and (5)(a)(ii)(B), respectively, for production occurring in that quarter, other than exempt stripper well production.

(d) ~~(i) Stripper Pre-1999 stripper well exemption production~~ is taxed as provided in subsection ~~(5)(e)(i) (5)(b)(ii)(A)~~ only if the average price reported and received by the producer for Montana oil marketed during a calendar quarter is less than \$54 a barrel. If the price of oil is equal to or greater than \$54 a barrel, there is no *pre-1999* stripper well exemption tax rate and oil produced from a well that produces 3 barrels a day or less is taxed as *pre-1999* stripper well bonus production.

(e) (i) *Post-1999 stripper well exemption production is taxed as provided in subsection (5)(c)(ii)(A) only if the average price reported and received by the producer for Montana oil marketed during a calendar quarter is less than \$54 a barrel. If the price of oil is equal to or greater than \$54 a barrel, there is no post-1999 stripper well exemption tax rate and oil produced from a well that produces 3 barrels a day or less is taxed as stripper well bonus production.*

(ii) Stripper well bonus production is subject to taxation as provided in subsection (5)(c)(ii)(B) only if the average price reported and received by the producer for Montana oil marketed during a calendar quarter is equal to or greater than \$54 a barrel.

(e) ~~For the purposes of subsection (6)(c), the average price for each barrel must be computed by dividing the sum of the daily price for a barrel of west Texas intermediate crude oil for the calendar quarter by the number of days on which the price was reported in the quarter.~~

(7) The tax rates imposed under subsections (2) and (5) on working interest owners and nonworking interest owners must be adjusted to include the privilege and license tax adopted by the board of oil and gas conservation pursuant to 82-11-131 and the tax for the oil and gas natural resource distribution account. The total of the privilege and license tax and the tax for the oil and gas natural resource distribution account established in 90-6-1001(1) is 0.3%.

(8) Any interest in production owned by the state or a local government is exempt from taxation under this section.”

Section 11. Severability. If a part of [this act] is invalid, all valid parts that are severable from the invalid part remain in effect. If a part of [this act] is invalid in one or more of its applications, the part remains in effect in all valid applications that are severable from the invalid applications.

Section 12. Effective dates – applicability. (1) Except as provided in subsections (2) through (6), [this act] is effective July 1, 2021.

(2) [Sections 1 and 6] are effective January 1, 2022, and apply to the calendar year beginning after December 31, 2021.

(3) [Sections 2 and 7] are effective January 1, 2023, and apply to the calendar year beginning after December 31, 2022.

(4) [Sections 3 and 8] are effective January 1, 2024, and apply to the income calendar year beginning after December 31, 2023.

(5) [Sections 4 and 9] are effective January 1, 2025, and apply to the calendar year beginning after December 31, 2024.

(6) [Sections 5 and 10] are effective January 1, 2026, and apply to calendar years beginning after December 31, 2025.

Section 13. Termination. (1) [Sections 1 and 6] terminate December 31, 2022.

(2) [Sections 2 and 7] terminate December 31, 2023.

(3) [Sections 3 and 8] terminate December 31, 2024.

(4) [Sections 4 and 9] terminate December 31, 2025.

(5) [Section 14] terminates January 1, 2025.

Section 14. Contingent termination – legislative intent – specific findings – report to legislative finance committee. (1) The legislature intends to provide the tax relief provided by [this act] while also preventing the loss of federal funds that are available to the state as part of the recently enacted American Rescue Plan Act, Public Law 117-2. The contingent termination provisions in subsections (2) through (5) are limited to the duration of time established by each subsection and are necessary based on the lack of information available to the legislature from the federal government at the time of enactment of [this act].

(2) [Sections 1 and 6] terminate on the date that the budget director provides the certification provided for in subsection (7). In order to be effective, the certification must be made in calendar year 2021.

(3) [Sections 2 and 7] terminate on the date that the budget director provides the certification provided for in subsection (7). In order to be effective, the certification must be made between October 1, 2022, and December 31, 2022.

(4) [Sections 3 and 8] terminate on the date that the budget director provides the certification provided for in subsection (7). In order to be effective, the certification must be made between October 1, 2023, and December 31, 2023.

(5) [Sections 4 and 9] terminate on the date that the budget director provides the certification provided for in subsection (7). In order to be effective, the certification must be made between October 1, 2024, and December 31, 2024.

(6) (a) The budget director shall continually evaluate whether implementation of a section of [this act] will:

(i) result in a reduction of funds from the American Rescue Plan Act; or
(ii) require the state to repay or refund to the federal government pursuant to the American Rescue Plan Act.

(b) The budget director shall consider guidance from:

(i) the federal government about the American Rescue Plan Act;
(ii) court decisions about the American Rescue Plan Act;
(iii) amendments to the American Rescue Plan Act;
(iv) any information provided by the attorney general; and
(v) other relevant information about the American Rescue Plan Act.

(c) If the budget director determines that the implementation of a section of [this act] may satisfy the criteria in subsection (6)(a) based on the guidance in subsection (6)(b), the budget director shall notify the legislative finance committee of the preliminary determination. The budget director's notification of the preliminary determination may occur after January 1 but no later than December 10 of each of the calendar years 2021, 2022, 2023, and 2024. Within 20 days of notification, the legislative finance committee shall provide the budget director with any recommendations concerning the preliminary determination. The budget director shall consider any recommendations of the legislative finance committee.

(7) If the budget director determines that the implementation of a section of [this act] would more likely than not satisfy the criteria in subsection (6)(a) based on the guidance in subsection (6)(b) and the recommendations of the legislative finance committee in subsection (6)(c), the budget director shall provide certification in writing to the legislative finance committee and the code commissioner of the occurrence of the relevant contingency provided for in subsections (2) through (5).

Approved May 14, 2021

CHAPTER NO. 560

[HB 663]

AN ACT GENERALLY REVISING SCHOOL FUNDING LAWS; INCREASING THE GTB MULTIPLIER AND LINKING ADDITIONAL INCREASES TO REVENUE GENERATED BY MARIJUANA TAXES; PROVIDING AN APPROPRIATION; AMENDING SECTION 20-9-366, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.

Be it enacted by the Legislature of the State of Montana:

Section 1. Section 20-9-366, MCA, is amended to read:

"20-9-366. Definitions. As used in 20-9-366 through 20-9-371, the following definitions apply:

(1) "County retirement mill value per elementary ANB" or "county retirement mill value per high school ANB" means the sum of the taxable valuation in the previous year of all property in the county divided by 1,000, with the quotient divided by the total county elementary ANB count or the total county high school ANB count used to calculate the elementary school districts' and high school districts' prior year total per-ANB entitlement amounts.

(2) (a) "District guaranteed tax base ratio" for guaranteed tax base funding for the BASE budget of an eligible district means the taxable valuation in the previous year of all property in the district, except for property value disregarded because of protested taxes under 15-1-409(2) or property subject to the creation of a new school district under 20-6-326, divided by the district's prior year GTBA budget area.

(b) "District mill value per ANB", for school facility entitlement purposes, means the taxable valuation in the previous year of all property in the district, except for property subject to the creation of a new school district under 20-6-326, divided by 1,000, with the quotient divided by the ANB count of the district used to calculate the district's prior year total per-ANB entitlement amount.

(3) "Facility guaranteed mill value per ANB", for school facility entitlement guaranteed tax base purposes, means the sum of the taxable valuation in the previous year of all property in the state, multiplied by 140% and divided by 1,000, with the quotient divided by the total state elementary ANB count or the total state high school ANB count used to calculate the elementary school districts' and high school districts' prior year total per-ANB entitlement amounts.

(4) "Guaranteed tax base aid budget area" or "GTBA budget area" means the portion of a district's BASE budget after the following payments are subtracted:

- (a) direct state aid;
- (b) the total data-for-achievement payment;
- (c) the total quality educator payment;
- (d) the total at-risk student payment;
- (e) the total Indian education for all payment;
- (f) the total American Indian achievement gap payment; and
- (g) the state special education allowable cost payment.

(5) (a) "Statewide elementary guaranteed tax base ratio" or "statewide high school guaranteed tax base ratio", for guaranteed tax base funding for the BASE budget of an eligible district, means the sum of the taxable valuation in the previous year of all property in the state, multiplied by ~~193% for fiscal year 2018, 216% for fiscal year 2019, 224% for fiscal year 2020, and 232% for fiscal year 2021~~ 250% for fiscal year 2022 and each succeeding fiscal year and divided by the prior year statewide GTBA budget area for the state elementary school districts or the state high school districts. *For fiscal year 2024 and subsequent fiscal years, the superintendent of public instruction shall increase the multiplier in this subsection (5)(a) as follows:*

(i) for fiscal years 2024 through 2031, if the revenue transferred to the state general fund pursuant to 16-12-111 in the prior fiscal year is at least \$1 million more than the revenue transferred in the fiscal year 2 years prior, then:

(A) multiply the amount of increased revenue transferred to the state general fund pursuant to 16-12-111 in the prior fiscal year above the amount of revenue transferred in the fiscal year 2 years prior by 0.25, divide the resulting product by \$500,000, and round to the nearest whole number; and

(B) increase the multiplier for the prior fiscal year by the number derived in subsection (5)(a)(i)(A) as a percentage point increase;

(ii) for fiscal years 2024 through 2031, if the revenue transferred to the state general fund pursuant to 16-12-111 in the prior fiscal year is less than \$1 million more than the revenue transferred in the fiscal year 2 years prior, then the multiplier is equal to the multiplier used for the prior fiscal year; and

(iii) for fiscal years 2032 and subsequent fiscal years, the multiplier is equal to the multiplier used for fiscal year 2031.

(b) “Statewide mill value per elementary ANB” or “statewide mill value per high school ANB”, for school retirement guaranteed tax base purposes, means the sum of the taxable valuation in the previous year of all property in the state, multiplied by 121% and divided by 1,000, with the quotient divided by the total state elementary ANB count or the total state high school ANB amount used to calculate the elementary school districts’ and high school districts’ prior year total per-ANB entitlement amounts.”

Section 2. Appropriation. (1) The following money is appropriated from the state general fund to the office of public instruction for the purposes of increased guaranteed tax base aid pursuant to [section 1]:

Fiscal year 2022	\$10,245,460
Fiscal year 2023	\$10,439,655

(2) The legislature intends that the appropriation in fiscal year 2023 be considered as part of the ongoing base for the BASE aid appropriation for the next legislative session.

Section 3. Coordination instruction. If both House Bill No. 303 and [this act] are passed and approved, and if both contain a section amending 20-9-366, then the sections amending 20-9-366 are void and 20-9-366 must be amended as follows:

“20-9-366. Definitions. As used in 20-9-366 through 20-9-371, the following definitions apply:

(1) “County retirement mill value per elementary ANB” or “county retirement mill value per high school ANB” means the sum of the taxable valuation in the previous year of all property in the county divided by 1,000, with the quotient divided by the total county elementary ANB count or the total county high school ANB count used to calculate the elementary school districts’ and high school districts’ prior year total per-ANB entitlement amounts.

(2) (a) “District guaranteed tax base ratio” for guaranteed tax base funding for the BASE budget of an eligible district means the taxable valuation in the previous year of all property in the district, except for property value disregarded because of protested taxes under 15-1-409(2) or property subject to the creation of a new school district under 20-6-326, divided by the district’s prior year GTBA budget area.

(b) “District mill value per ANB”, for school facility entitlement purposes, means the taxable valuation in the previous year of all property in the district, except for property subject to the creation of a new school district under 20-6-326, divided by 1,000, with the quotient divided by the ANB count of the district used to calculate the district’s prior year total per-ANB entitlement amount.

(3) “Facility guaranteed mill value per ANB”, for school facility entitlement guaranteed tax base purposes, means the sum of the taxable valuation in the previous year of all property in the state, multiplied by 140% and divided by 1,000, with the quotient divided by the total state elementary ANB count or the total state high school ANB count used to calculate the elementary school districts’ and high school districts’ prior year total per-ANB entitlement amounts.

(4) “Guaranteed tax base aid budget area” or “GTBA budget area” means the portion of a district’s BASE budget after the following payments are subtracted:

- (a) direct state aid;
- (b) the total data-for-achievement payment;
- (c) the total quality educator payment;
- (d) the total at-risk student payment;
- (e) the total Indian education for all payment;

- (f) the total American Indian achievement gap payment; and
- (g) the state special education allowable cost payment.

(5) (a) *Except as provided in subsection (6), “Statewide elementary guaranteed tax base ratio” or “statewide high school guaranteed tax base ratio”, for guaranteed tax base funding for the BASE budget of an eligible district, means the sum of the taxable valuation in the previous year of all property in the state, multiplied by ~~193% for fiscal year 2018, 216% for fiscal year 2019, 224% for fiscal year 2020, and 232% for fiscal year 2021 and 250% for fiscal year 2022 and 254% for fiscal year 2023~~ and each succeeding fiscal year and divided by the prior year statewide GTBA budget area for the state elementary school districts or the state high school districts. For fiscal year 2024 and subsequent fiscal years, the superintendent of public instruction shall increase the multiplier in this subsection (5)(a) as follows:*

(i) *for fiscal years 2024 through 2031, if the revenue transferred to the state general fund pursuant to 16-12-111 in the prior fiscal year is at least \$1 million more than the revenue transferred in the fiscal year 2 years prior, then:*

(A) *multiply the amount of increased revenue transferred to the state general fund pursuant to 16-12-111 in the prior fiscal year above the amount of revenue transferred in the fiscal year 2 years prior by 0.25, divide the resulting product by \$500,000, and round to the nearest whole number; and*

(B) *add the number derived in subsection (5)(a)(i)(A) as a percentage point increase to:*

(I) *if the prior year was not affected by a contingency under subsection (6), the multiplier used for the prior fiscal year; or*

(II) *if the prior year was affected by a contingency under subsection (6), the multiplier for the prior fiscal year had the prior fiscal year not been affected by a contingency under subsection (6);*

(ii) *for fiscal years 2024 through 2031, if the revenue transferred to the state general fund pursuant to 16-12-111 in the prior fiscal year is less than \$1 million more than the revenue transferred in the fiscal year 2 years prior, then the multiplier is equal to:*

(A) *if the prior year was not affected by a contingency under subsection (6), the multiplier used for the prior fiscal year; or*

(B) *if the prior year was affected by a contingency under subsection (6), the multiplier for the prior fiscal year had the prior fiscal year not been affected by a contingency under subsection (6); and*

(iii) *for fiscal years 2032 and subsequent fiscal years, the multiplier is equal to the multiplier used for fiscal year 2031.*

(b) “Statewide mill value per elementary ANB” or “statewide mill value per high school ANB”, for school retirement guaranteed tax base purposes, means the sum of the taxable valuation in the previous year of all property in the state, multiplied by 121% and divided by 1,000, with the quotient divided by the total state elementary ANB count or the total state high school ANB amount used to calculate the elementary school districts’ and high school districts’ prior year total per-ANB entitlement amounts.

(6) *The guaranteed tax base multiplier under subsection (5)(a) must be reduced by 4 percentage points following certification by the budget director of a contingency pursuant to [House Bill No. 303]:*

(a) *for fiscal year 2023 if the certification is made during calendar year 2021;*

(b) *for fiscal year 2024 if the certification is made during calendar year 2022;*

(c) *for fiscal year 2025 if the certification is made during calendar year 2023; and*

(d) for fiscal year 2026 if the certification is made during calendar year 2024.”

Section 4. Coordination instruction. If both House Bill No. 303 and [this act] are passed and approved, then [section 2 of this act] is void and must be replaced with:

“NEWSECTION. Appropriation. (1) The following money is appropriated from the state general fund to the office of public instruction for the purposes of increased guaranteed tax base aid pursuant to [section 3]:

Fiscal year 2022	\$10,245,460
Fiscal year 2023	\$12,889,751

(2) The legislature intends that the appropriation in fiscal year 2023 be considered as part of the ongoing base for the BASE aid appropriation for the next legislative session.”

Section 5. Effective date. [This act] is effective on passage and approval.

Approved May 14, 2021

CHAPTER NO. 561

[HB 667]

AN ACT REVISING THE TOBACCO TAX ALLOCATION FOR OPERATION AND MAINTENANCE OF STATE VETERANS’ NURSING HOMES; PROVIDING AN APPROPRIATION; AMENDING SECTION 16-11-119, MCA; AND PROVIDING AN EFFECTIVE DATE AND AN APPLICABILITY DATE.

Be it enacted by the Legislature of the State of Montana:

Section 1. Section 16-11-119, MCA, is amended to read:

“16-11-119. Disposition of taxes – statutory appropriation. (1) A sum equal to the amount necessary to purchase cigarette tax stamps must be deposited to or allocated from the state special revenue fund to the credit of the department from cigarette taxes collected under the provisions of 16-11-111, as provided in subsection (5) of this section.

(2) After the deposit or allocation in subsection (1), cigarette taxes collected under the provisions of 16-11-111 must, in accordance with the provisions of 17-2-124, be deposited as follows:

(a) 8.3% or \$2 \$4 million, whichever is greater, in the state special revenue fund to the credit of the department of public health and human services for the operation and maintenance of state veterans’ nursing homes;

(b) 2.6% in the major repair long-range building program account provided for in 17-7-221;

(c) 44% in the state special revenue fund to the credit of the health and medicaid initiatives account provided for in 53-6-1201; and

(d) the remainder to the state general fund.

(3) If money in the state special revenue fund for the operation and maintenance of state veterans’ nursing homes exceeds \$2 million at the end of the fiscal year, the excess must be transferred to the state general fund.

(4) The taxes collected on tobacco products other than cigarettes must in accordance with the provisions of 17-2-124 be deposited as follows:

(a) one-half in the state general fund; and

(b) one-half in the state special revenue fund account for health and medicaid initiatives provided for in 53-6-1201.

(5) Each fiscal year, a sum equal to the amount of money necessary to purchase cigarette tax stamps is statutorily appropriated, as provided in

17-7-502, from the state special revenue fund allocation in subsection (1) to the department for tax administration responsibilities.”

Section 2. Appropriation. There is appropriated \$100 from the general fund to the department of revenue for the fiscal year beginning July 1, 2021, for the purpose of complying with administrative and computer programming expenses associated with implementation of [this act].

Section 3. Effective date. [This act] is effective July 1, 2021.

Section 4. Applicability. [This act] applies to fiscal years beginning after June 30, 2021.

Approved May 14, 2021

CHAPTER NO. 562

[HB 671]

AN ACT IMPLEMENTING THE PROVISIONS OF HOUSE BILL 2; PROVIDING FOR INTERIM STUDIES ON EDUCATIONAL FISCAL MATTERS; REQUIRING THE OFFICE OF PUBLIC INSTRUCTION AND THE DEPARTMENT OF PUBLIC HEALTH AND HUMAN SERVICES TO COLLABORATE IN SUPPORTING SCHOOL DISTRICTS IN SEEKING REIMBURSEMENT FOR SCHOOL-BASED ELIGIBLE SERVICES UNDER MEDICAID AND THE CHILDREN'S HEALTH INSURANCE PROGRAM; REVISING LAWS RELATED TO PRESERVING MONTANA INDIAN LANGUAGES; REVISING THE MONTANA INDIAN LANGUAGE PRESERVATION PROGRAM; ELIMINATING THE TERMINATIONS OF THE MONTANA INDIAN LANGUAGE PRESERVATION PROGRAM AND THE CULTURAL INTEGRITY COMMITMENT ACT; PROVIDING AN APPROPRIATION; AMENDING SECTION 20-9-537, MCA; REPEALING SECTION 7, CHAPTER 410, LAWS OF 2013, SECTIONS 3 AND 7, CHAPTER 426, LAWS OF 2015, SECTION 10, CHAPTER 442, LAWS OF 2015, SECTIONS 2, 3, 4, AND 9, CHAPTER 232, LAWS OF 2017, SECTIONS 1 THROUGH 7, CHAPTER 77, LAWS OF 2019, AND SECTION 1, CHAPTER 171, LAWS OF 2019; PROVIDING FOR CONTINGENT VOIDNESS; AND PROVIDING AN EFFECTIVE DATE.

Be it enacted by the Legislature of the State of Montana:

Section 1. Legislative finance committee study of fiscal issues regarding education – reports to education interim committee.

(1) For the 2021-2022 interim, the legislative finance committee provided for in 5-12-201 shall direct a study of the following topics related to education:

- (a) Indian language preservation;
- (b) the Montana digital academy; and
- (c) funding for K-12 enrollment increases.

(2) (a) The legislative finance committee shall establish an education funding subcommittee to complete its work in accordance with this section.

(b) The presiding officer of the legislative finance committee, in consultation with the presiding officer of the joint appropriations subcommittee on education, shall appoint the members of the education funding subcommittee with equal representation from the majority and minority parties and is encouraged to include members of the joint appropriations subcommittee on education and the education interim committee.

(3) The results of the study must be presented in accordance with 5-11-210 to the legislative finance committee and the education interim committee before September 1, 2022.

(4) The legislative fiscal division shall provide administrative staff support and fiscal analysis. The legislative services division may provide research and legal support at the request of the education funding subcommittee.

Section 2. Funding for school-based medical services -- duties of office of public instruction and department of public health and human services -- school-based services account. (1) The legislature intends that the office of public instruction and department of public health and human services collaborate to facilitate school districts in securing federal reimbursements when a district provides services eligible for reimbursement under medicaid or the children's health insurance program. The legislature further intends that this collaboration minimizes to the greatest extent possible the administrative burden on school districts.

(2) The department of public health and human services shall provide necessary facilitation and technical support to the office of public instruction regarding school-based mental health services and other school-based services that may be eligible for reimbursement under medicaid or the children's health insurance program. The technical support must include:

(a) training to explain the requirements to be eligible for reimbursement under medicaid or the children's health insurance program;

(b) the establishment of provider rates for relevant services that will permit successful service delivery while adhering to the standards of the centers for medicare and medicaid services;

(c) coordination with the centers for medicare and medicaid services to ensure federal reimbursement for eligible services; and

(d) any other facilitation or support required in order to offer successful delivery of school-based mental health services and other school-based services that may be eligible for reimbursement under medicaid or the children's health insurance program while adhering to the standards of the centers for medicare and medicaid services.

(3) The office of public instruction shall provide necessary facilitation and technical support to school districts to secure reimbursement under medicaid or the children's health insurance program for school-based services, including but not limited to school mental health services. The technical support must include:

(a) training to explain the requirements to be eligible for reimbursement under medicaid or the children's health insurance program;

(b) accounting guidance and necessary support to enable districts to track the costs associated with services eligible for reimbursement under medicaid or the children's health insurance program, including any documentation required by the department of public health and human services for audit purposes; and

(c) collaboration with the department of public health and human services in communicating with school districts.

(4) There is school-based services account in the state special revenue fund provided for in 17-2-102. The account may be used by the office of public instruction in coordination with the department of public health and human services to:

(a) receive necessary matching funds from school districts seeking reimbursement under medicaid or the children's health insurance program for school-based services; and

(b) fulfill financial requirements of the centers for medicare and medicaid services for reimbursement.

Section 3. Section 20-9-537, MCA, is amended to read:

"20-9-537. (Temporary) Montana Indian language preservation program. (1) There is a Montana Indian language preservation program. The program is established to support efforts of Montana tribes to preserve and perpetuate Indian languages in the form of spoken, written, sung, or signed language and to assist in the preservation and curricular goals of Indian education for all pursuant to Article X, section 1(2), of the Montana constitution and Title 20, chapter 1, part 5.

(2) (a) ~~The state-tribal economic development commission established in 90-1-131~~ *office of public instruction* shall administer the program and, in collaboration with the Montana historical society, the state director of Indian affairs, and each tribal government located on the seven Montana reservations and the Little Shell Chippewa tribe, shall create program guidelines.

(b) The program guidelines must address performance and output standards, distribution of funds, accounting of funds, and use of funds.

(c) The performance and output standards must include:

(i) development of audio and visual recordings;

(ii) creation of reference materials, which may be in audio, visual, electronic, or written format;

(iii) creation and publication of curricula, which may include electronic curricula; and

(iv) administration and maintenance of a long-term language preservation strategic plan.

(d) The performance and output standards may include:

(i) language classes;

(ii) language immersion camps;

(iii) storytelling;

(iv) publication of literature; and

(v) language programs, workshops, seminars, camps, and other presentations in formal or informal settings.

(3) Any tangible goods produced under this section must be submitted within 1 year of production to the Montana historical society for the benefit of related language preservation efforts and for preservation and archival purposes.

(4) Tribal governments or their designees receiving program funds may form local program advisory boards. Members of a local program advisory board may include but are not limited to representatives from any of the entities listed in subsection (6).

(5) (a) Each tribal government or designee shall provide reports on expenditures of grant funds, overall program progress, and other criteria required under the guidelines established pursuant to subsection (2)(a) to the ~~state-tribal economic development commission~~ *office of public instruction*.

(b) The ~~state-tribal economic development commission~~ *office of public instruction* shall report any findings, comments, or recommendations regarding each local program and the Montana Indian language preservation program to the legislature as provided in 5-11-210.

(6) Tribal governments and their designees are encouraged to maximize the impact of grant funds by forming partnerships among state and tribal entities and leveraging existing resources for the preservation of Indian languages and the education of all Montanans in a way that honors the cultural integrity of American Indians. Suggested partner entities include but are not limited to:

- (a) the governor's office of Indian affairs;
- (b) school districts located on reservations;
- (c) tribal colleges;
- (d) tribal historic preservation offices;
- (e) tribal language and cultural programs;
- (f) units of the Montana university system;
- (g) the Montana historical society;
- (h) ~~the office of public instruction~~ *the state-tribal economic development commission*;
- (i) Montana public television organizations;
- (j) school districts not located on reservations; and
- (k) the Montana state library.

(7) State entities that operate film and video studios and equipment shall cooperate with each local tribal preservation program in the production of materials for preservation and archival purposes.

(8) Any cultural and intellectual property rights from program efforts belong to the tribe. Use of the cultural and intellectual property may be negotiated between the tribe and other partnering entities.

(9) A tribe may use payments received pursuant to this section as matching funds for federal or private fund sources to accomplish the purposes of this section. ~~(Terminates June 30, 2023--secs. 1 through 7, Ch. 77, L. 2019.)~~

Section 4. Repealer. Section 7, Chapter 410, Laws of 2013, sections 3 and 7, Chapter 426, Laws of 2015, section 10, Chapter 442, Laws of 2015, sections 2, 3, 4, and 9, Chapter 232, Laws of 2017, sections 1 through 7, Chapter 77, Laws of 2019, and section 1, Chapter 171, Laws of 2019, are repealed.

Section 5. Appropriation. There is appropriated \$5,000 from the general fund to the legislative fiscal division for the biennium beginning July 1, 2021, for the purposes of conducting the study as set forth in [section 1].

Section 6. Codification instruction. [Section 2] is intended to be codified as an integral part of Title 20, chapter 9, part 2, and the provisions of Title 20, chapter 9, part 2, apply to [section 2].

Section 7. Contingent voidness. If House Bill No. 497 is passed and approved, then [sections 1 and 5] are void.

Section 8. Effective date. [This act] is effective July 1, 2021.

Approved May 14, 2021

CHAPTER NO. 563

[HB 678]

AN ACT IMPLEMENTING THE PROVISIONS OF HOUSE BILL 2; REVISING THE DEFINITION OF "TELEWORK"; GENERALLY REVISING SEARCH AND RESCUE FUNDING; PROVIDING THAT CONSERVATION LICENSE REVENUE FOR SEARCH AND RESCUE FUNDING IS A VOLUNTARY DONATION; PROVIDING FOR SEGREGATION OF SURCHARGES THAT WERE MANDATORY FROM DONATIONS; EXPANDING USE OF ECONOMIC DEVELOPMENT SPECIAL REVENUE ACCOUNT; REVISING DISTRIBUTIONS OF LODGING FACILITY USE TAX PROCEEDS; AMENDING SECTIONS 2-18-101, 10-3-801, 15-65-112, 17-7-502, 22-3-1004, 87-1-601, 87-2-202, AND 90-1-205, MCA; AND PROVIDING EFFECTIVE DATES.

Be it enacted by the Legislature of the State of Montana:

Section 1. Section 2-18-101, MCA, is amended to read:

“2-18-101. Definitions. As used in parts 1 through 3 and part 10 of this chapter, the following definitions apply:

(1) “Agency” means a department, board, commission, office, bureau, institution, or unit of state government recognized in the state budget.

(2) “Base salary” means the base hourly pay rate annualized paid to an employee, excluding overtime and longevity.

(3) “Benchmark” means a representative position in a specific occupation that is used to illustrate the application of the job evaluation factor used to classify the occupation.

(4) “Blue-collar pay plan” means a strictly negotiated classification and pay plan consisting of unskilled or skilled labor, trades, and crafts occupations.

(5) “Board” means the board of personnel appeals established in 2-15-1705.

(6) “Broadband classification plan” means a job evaluation method that measures the difficulty of the work and the knowledge or skills required to perform the work.

(7) “Broadband pay plan” means a pay plan using a pay hierarchy of broad pay bands based on a classification plan, including market midpoint and occupational wage ranges.

(8) “Compensation” means the annual or hourly wage or salary and includes the longevity allowance provided in 2-18-304 and leave and holiday benefits provided in part 6 of this chapter.

(9) “Competencies” means sets of measurable and observable knowledge, skills, and behaviors that contribute to success in a position.

(10) “Department” means the department of administration created in 2-15-1001.

(11) (a) Except in 2-18-306, “employee” means any state employee other than an employee excepted under 2-18-103 or 2-18-104.

(b) The term does not include a student intern.

(12) “Job evaluation factor” means a measure of the complexities of the predominant duties of a position.

(13) “Job sharing” means the sharing by two or more persons of a position.

(14) “Market midpoint” means the median base salary that other employers pay to employees in comparable occupations as determined by the department’s salary survey of the relevant labor market.

(15) “Occupation” means a generalized family of positions having substantially similar duties and requiring similar qualifications, education, and experience.

(16) “Occupational wage range” means a range of pay, including a minimum, market midpoint, and maximum salary, for a specific occupation that is most consistent with the pay being offered by competing employers for fully competent employees within that occupation. The salary for an employee may be less than the minimum salary.

(17) “Pay band” means a wide salary range covering a number of different occupations. Pay bands are used for reporting and analysis purposes only.

(18) “Pay progression” means a process by which an employee’s compensation may be increased, based on documented factors determined by the department, to bring the employee’s compensation to a higher rate within the occupational wage range of the employee.

(19) “Permanent employee” means an employee who is designated by an agency as permanent, who was hired through a competitive selection process unless excepted from the competitive process by law, and who has attained or is eligible to attain permanent status.

(20) "Permanent status" means the state an employee attains after satisfactorily completing an appropriate probationary period.

(21) "Personal staff" means those positions occupied by employees appointed by the elected officials enumerated in Article VI, section 1, of the Montana constitution or by the public service commission as a whole.

(22) "Position" means a collection of duties and responsibilities currently assigned or delegated by competent authority, requiring the full-time, part-time, or intermittent employment of one person.

(23) "Program" means a combination of planned efforts to provide a service.

(24) "Seasonal employee" means a permanent employee who is designated by an agency as seasonal, who performs duties interrupted by the seasons, and who may be recalled without the loss of rights or benefits accrued during the preceding season.

(25) "Short-term worker" means a person who:

(a) may be hired by an agency without using a competitive hiring process for an hourly wage established by the agency;

(b) may not work for the agency for more than 90 days in a continuous 12-month period;

(c) is not eligible for permanent status;

(d) may not be hired into a permanent position by the agency without a competitive selection process;

(e) is not eligible to earn the leave and holiday benefits provided in part 6 of this chapter; and

(f) may be discharged without cause.

(26) "Student intern" means a person who:

(a) has been accepted in or is currently enrolled in an accredited school, college, or university and may be hired by an agency in a student intern position without using a competitive selection process;

(b) is not eligible for permanent status;

(c) is not eligible to become a permanent employee without a competitive selection process;

(d) must be covered by the hiring agency's workers' compensation insurance;

(e) is not eligible to earn the leave and holiday benefits provided for in part 6 of this chapter; and

(f) may be discharged without cause.

(27) (a) "Telework" means a flexible work arrangement where a designated employee may work from:

(i) home within the state of Montana or an alternative worksite within the state of Montana 1 or more days a week instead of physically traveling to a central workplace; or

(ii) an alternative worksite outside the state of Montana limited to:

(A) employees who are mental health professionals as defined in 27-1-1101 involved in psychological or psychiatric evaluations and treatment;

(B) employees engaged in providing services related to information technology as defined in 2-17-506; ~~or~~

(C) employees who are medical professionals involved in medical evaluations and treatment; *or*

(D) *employees who are engaged in providing services related to economic development outside the state and whose work duties require the employees to reside out of state.*

(b) The office of budget and program planning must approve a designated employee's alternative worksite outside the state of Montana before the employee begins work.

(28) "Temporary employee" means an employee who:

- (a) is designated as temporary by an agency for a definite period of time not to exceed 12 months;
- (b) performs duties on a temporary basis;
- (c) is not eligible for permanent status;
- (d) is terminated at the end of the employment period; and
- (e) is not eligible to become a permanent employee without a competitive selection process."

Section 2. Section 10-3-801, MCA, is amended to read:

"10-3-801. Account created for funding search and rescue operations -- rules. (1) There is an account in the state special revenue fund established in 17-2-102. The account must be administered by the disaster and emergency services division of the department exclusively for the purposes of search and rescue as provided in this section. The department may retain up to 5% of the money in the account to pay its costs of administering this section.

(2) There must be deposited in the account:

- (a) fund transfers pursuant to 15-1-122(2)(e);
- (b) fund transfers pursuant to 87-1-601(10). ~~These funds may be used only as provided in 87-1-601(10).~~

(c) all money received by the department in the form of gifts, grants, reimbursements, or appropriations from any source intended to be used for search and rescue operations.

(3) (a) Not less than 50% of the money in the account must be used by the department to defray costs of:

(i) local search and rescue units for search and rescue missions conducted through a county sheriff's office at a maximum of ~~\$6,000~~ \$50,000 for each rescue mission, regardless of the number of counties or county search and rescue organizations involved. To fulfill the purposes of this subsection (3)(a)(i), the department shall transmit reimbursement money to the county treasurer, who shall deposit the funds in a separate search and rescue fund accessible by the local search and rescue unit that requested the reimbursement. The county treasurer shall notify the reimbursed local search and rescue unit by mail when the deposit occurs.

(ii) a county sheriff's office at a maximum of ~~\$6,000~~ \$50,000 for each rescue mission, regardless of the number of counties or county search and rescue organizations involved.

(b) The remaining money in the account may be used by the department:

(i) to match local funds for the purchase of equipment for use by local search and rescue units at a maximum of ~~\$6,000~~ \$50,000 for each unit in a calendar year. The cost-sharing match must be 35% local funds to 65% from the account.

(ii) for reimbursement of expenses related to the training of search and rescue volunteers.

(4) The department may adopt rules to implement the proper administration of the account. The rules may include:

(a) a method of reimbursing local search and rescue units or a county sheriff's office, on a case-by-case basis, for authorized search and rescue operations conducted pursuant to subsection (3)(a), including verification of search missions, claims procedures, and fiscal accountability; ~~and the number and circumstances of search missions involving persons engaged in hunting, fishing, and trapping in a fiscal year;~~

(b) methods for processing requests for equipment matching funds and training funds made pursuant to subsection (3)(b), including any verification and accounting necessary to ensure that the provisions of subsection (3)(b) are

met, and determining the percentage of all search missions involving persons engaged in hunting, fishing, or trapping in a fiscal year;

(c) a system involving input from representatives of county sheriff organizations and state and local search and rescue organizations for assistance in verifying and processing claims for reimbursement, equipment, and training; and

(d) a method for compiling and keeping current a contact list of all search and rescue units in Montana and in neighboring states and provinces in order to ensure collaboration, communication, and cooperation between the various county search and rescue units and between the department and the county units and dedication of a page on the department's website for posting the contact list and other relevant search and rescue information."

Section 3. Section 10-3-801, MCA, is amended to read:

"10-3-801. Account created for funding search and rescue operations -- rules. (1) There is an account in the state special revenue fund established in 17-2-102. The account must be administered by the disaster and emergency services division of the department exclusively for the purposes of search and rescue as provided in this section. The department may retain up to 5% of the money in the account to pay its costs of administering this section.

(2) There must be deposited in the account:

(a) fund transfers pursuant to 15-1-122(2)(e);

(b) fund transfers pursuant to 87-1-601(10). ~~These funds may be used only as provided in 87-1-601(10).~~

(c) all money received by the department in the form of gifts, grants, reimbursements, or appropriations from any source intended to be used for search and rescue operations.

(3) (a) Not less than 50% of the money in the account must be used by the department to defray costs of:

(i) local search and rescue units for search and rescue missions conducted through a county sheriff's office at a maximum of ~~\$6,000~~ \$12,000 for each rescue mission, regardless of the number of counties or county search and rescue organizations involved. To fulfill the purposes of this subsection (3)(a)(i), the department shall transmit reimbursement money to the county treasurer, who shall deposit the funds in a separate search and rescue fund accessible by the local search and rescue unit that requested the reimbursement. The county treasurer shall notify the reimbursed local search and rescue unit by mail when the deposit occurs.

(ii) a county sheriff's office at a maximum of ~~\$6,000~~ \$12,000 for each rescue mission, regardless of the number of counties or county search and rescue organizations involved.

(b) The remaining money in the account may be used by the department:

(i) to match local funds for the purchase of equipment for use by local search and rescue units at a maximum of ~~\$6,000~~ \$12,000 for each unit in a calendar year. The cost-sharing match must be 35% local funds to 65% from the account.

(ii) for reimbursement of expenses related to the training of search and rescue volunteers.

(4) The department may adopt rules to implement the proper administration of the account. The rules may include:

(a) a method of reimbursing local search and rescue units or a county sheriff's office, on a case-by-case basis, for authorized search and rescue operations conducted pursuant to subsection (3)(a), including verification of search missions, claims procedures, *and* fiscal accountability, ~~and the number~~

~~and circumstances of search missions involving persons engaged in hunting, fishing, and trapping in a fiscal year;~~

~~(b) methods for processing requests for equipment matching funds and training funds made pursuant to subsection (3)(b), including any verification and accounting necessary to ensure that the provisions of subsection (3)(b) are met; and determining the percentage of all search missions involving persons engaged in hunting, fishing, or trapping in a fiscal year;~~

~~(c) a system involving input from representatives of county sheriff organizations and state and local search and rescue organizations for assistance in verifying and processing claims for reimbursement, equipment, and training; and~~

~~(d) a method for compiling and keeping current a contact list of all search and rescue units in Montana and in neighboring states and provinces in order to ensure collaboration, communication, and cooperation between the various county search and rescue units and between the department and the county units and dedication of a page on the department's website for posting the contact list and other relevant search and rescue information."~~

Section 4. Section 15-65-121, MCA, is amended to read:

"15-65-121. Distribution of tax proceeds. (1) The proceeds of the tax imposed by 15-65-111 must, in accordance with the provisions of 17-2-124, be deposited in an account in the state special revenue fund to the credit of the department. The department may spend from that account in accordance with an expenditure appropriation by the legislature based on an estimate of the costs of collecting and disbursing the proceeds of the tax. Before allocating the balance of the tax proceeds in accordance with the provisions of 17-2-124 and as provided in subsections (2)(a) through ~~(2)(h)~~ (2)(i) of this section, the department shall determine the expenditures by state agencies for in-state lodging for each reporting period and deduct 4% of that amount from the tax proceeds received each reporting period. The department shall distribute the portion of the 4% that was paid with federal funds to the agency that made the in-state lodging expenditure and deposit 30% of the amount deducted less the portion paid with federal funds in the state general fund. ~~The amount of \$400,000 each year must be deposited in the Montana heritage preservation and development account provided for in 22-3-1004.~~

(2) The balance of the tax proceeds received each reporting period and not deducted pursuant to the expenditure appropriation, deposited in the state general fund, distributed to agencies that paid the tax with federal funds, or deposited in the heritage preservation and development account must be transferred to an account in the state special revenue fund to the credit of the department of commerce for tourism promotion and promotion of the state as a location for the production of motion pictures and television commercials, to the Montana historical interpretation state special revenue account, to the Montana historical society, to the university system, to the state-tribal economic development commission, and to the department of fish, wildlife, and parks, as follows:

(a) 1% to the Montana historical society to be used for the installation or maintenance of roadside historical signs and historic sites;

(b) 2.5% to the university system for the establishment and maintenance of a Montana travel research program;

(c) 6.5% to the department of fish, wildlife, and parks for the maintenance of facilities in state parks that have both resident and nonresident use;

(d) 1.4% to the invasive species state special revenue account established in 80-7-1004;

(e) ~~63%~~ 60.3% to be used directly by the department of commerce;

(f) (i) except as provided in subsection (2)(f)(ii), 22.5% to be distributed by the department to regional nonprofit tourism corporations in the ratio of the proceeds collected in each tourism region to the total proceeds collected statewide; and

(ii) if 22.5% of the proceeds collected annually within the limits of a city, consolidated city-county, resort area, or resort area district exceeds \$35,000, 50% of the amount available for distribution to the regional nonprofit tourism corporation in the region where the city, consolidated city-county, resort area, or resort area district is located, to be distributed to the nonprofit convention and visitors bureau in that city, consolidated city-county, resort area, or resort area district;

(g) 0.5% to the state special revenue account provided for in 90-1-135 for use by the state-tribal economic development commission established in 90-1-131 for activities in the Indian tourism region; **and**

(h) 2.6% to the Montana historical interpretation state special revenue account established in 22-3-115; *and*

(i) 2.7% or \$1 million, *whichever is less, to the Montana heritage preservation and development account provided for in 22-3-1004. The Montana heritage preservation and development commission shall report on the use of funds received pursuant to this subsection (2)(i) to the legislative finance committee on a semiannual basis, in accordance with 5-11-210.*

(3) If a city, consolidated city-county, resort area, or resort area district qualifies under 15-68-820(5)(b)(iii) or this section for funds but fails to either recognize a nonprofit convention and visitors bureau or submit and gain approval for an annual marketing plan as required in 15-65-122, then those funds must be allocated to the regional nonprofit tourism corporation in the region in which the city, consolidated city-county, resort area, or resort area district is located.

(4) If a regional nonprofit tourism corporation fails to submit and gain approval for an annual marketing plan as required in 15-65-122, then those funds otherwise allocated to the regional nonprofit tourism corporation may be used by the department of commerce for tourism promotion and promotion of the state as a location for the production of motion pictures and television commercials.

(5) The tax proceeds received that are transferred to a state special revenue account pursuant to subsections (2)(a) through (2)(c), (2)(e), and (2)(f) are statutorily appropriated to the entities as provided in 17-7-502.

(6) The tax proceeds received that are transferred to the invasive species state special revenue account pursuant to subsection (2)(d), **and** to the Montana historical interpretation state special revenue account pursuant to subsection (2)(h), *and to the Montana heritage preservation and development account pursuant to subsection (2)(i)* are subject to appropriation by the legislature."

Section 5. Section 17-7-502, MCA, is amended to read:

"17-7-502. Statutory appropriations -- definition -- requisites for validity. (1) A statutory appropriation is an appropriation made by permanent law that authorizes spending by a state agency without the need for a biennial legislative appropriation or budget amendment.

(2) Except as provided in subsection (4), to be effective, a statutory appropriation must comply with both of the following provisions:

(a) The law containing the statutory authority must be listed in subsection (3).

(b) The law or portion of the law making a statutory appropriation must specifically state that a statutory appropriation is made as provided in this section.

(3) The following laws are the only laws containing statutory appropriations: 2-17-105; 5-11-120; 5-11-407; 5-13-403; 5-13-404; 7-4-2502; 10-1-108; 10-1-1202; 10-1-1303; 10-2-603; 10-2-807; 10-3-203; 10-3-310; 10-3-312; 10-3-314; 10-3-802; 10-3-1304; 10-4-304; 15-1-121; 15-1-218; 15-31-1004; 15-31-1005; 15-35-108; 15-36-332; 15-37-117; 15-39-110; 15-65-121; 15-70-101; 15-70-130; 15-70-433; 16-11-119; 16-11-509; 17-3-106; 17-3-212; 17-3-222; 17-3-241; 17-6-101; 17-7-215; 18-11-112; 19-3-319; 19-3-320; 19-6-404; 19-6-410; 19-9-702; 19-13-604; 19-17-301; 19-18-512; 19-19-305; 19-19-506; 19-20-604; 19-20-607; 19-21-203; 20-8-107; 20-9-534; 20-9-622; 20-9-905; 20-26-617; 20-26-1503; 22-1-327; 22-3-116; 22-3-117; ~~22-3-1004~~; 23-4-105; 23-5-306; 23-5-409; 23-5-612; 23-7-301; 23-7-402; 30-10-1004; 37-43-204; 37-50-209; 37-54-113; 39-71-503; 41-5-2011; 42-2-105; 44-4-1101; 44-12-213; 44-13-102; 50-1-115; 53-1-109; 53-6-148; 53-9-113; 53-24-108; 53-24-206; 60-11-115; 61-3-321; 61-3-415; 67-1-309; 69-3-870; 69-4-527; 75-1-1101; 75-5-1108; 75-6-214; 75-11-313; 75-26-308; 76-13-151; 76-13-150; 76-17-103; 76-22-109; 77-1-108; 77-2-362; 80-2-222; 80-4-416; 80-11-518; 80-11-1006; 81-1-112; 81-1-113; 81-7-106; 81-7-123; 81-10-103; 82-11-161; 85-2-526; 85-20-1504; 85-20-1505; [85-25-102]; 87-1-603; 90-1-115; 90-1-205; 90-1-504; 90-6-331; and 90-9-306.

(4) There is a statutory appropriation to pay the principal, interest, premiums, and costs of issuing, paying, and securing all bonds, notes, or other obligations, as due, that have been authorized and issued pursuant to the laws of Montana. Agencies that have entered into agreements authorized by the laws of Montana to pay the state treasurer, for deposit in accordance with 17-2-101 through 17-2-107, as determined by the state treasurer, an amount sufficient to pay the principal and interest as due on the bonds or notes have statutory appropriation authority for the payments. (In subsection (3): pursuant to sec. 10, Ch. 360, L. 1999, the inclusion of 19-20-604 terminates contingently when the amortization period for the teachers' retirement system's unfunded liability is 10 years or less; pursuant to sec. 73, Ch. 44, L. 2007, the inclusion of 19-6-410 terminates contingently upon the death of the last recipient eligible under 19-6-709(2) for the supplemental benefit provided by 19-6-709; pursuant to sec. 27, Ch. 285, L. 2015, and sec. 1, Ch. 292, L. 2015, the inclusion of 53-9-113 terminates June 30, 2021; pursuant to sec. 6, Ch. 291, L. 2015, the inclusion of 50-1-115 terminates June 30, 2021; pursuant to sec. 5, Ch. 383, L. 2015, the inclusion of 85-25-102 is effective on occurrence of contingency; pursuant to sec. 6, Ch. 423, L. 2015, the inclusion of 22-3-116 and 22-3-117 terminates June 30, 2025; pursuant to sec. 33, Ch. 457, L. 2015, the inclusion of 20-9-905 terminates December 31, 2023; pursuant to sec. 12, Ch. 55, L. 2017, the inclusion of 37-54-113 terminates June 30, 2023; pursuant to sec. 4, Ch. 122, L. 2017, the inclusion of 10-3-1304 terminates September 30, 2025; pursuant to sec. 55, Ch. 151, L. 2017, the inclusion of 30-10-1004 terminates June 30, 2021; pursuant to sec. 1, Ch. 213, L. 2017, the inclusion of 90-6-331 terminates June 30, 2027; pursuant to secs. 5, 8, Ch. 284, L. 2017, the inclusion of 81-1-112, 81-1-113, and 81-7-106 terminates June 30, 2023; pursuant to sec. 1, Ch. 340, L. 2017, the inclusion of 22-1-327 terminates July 1, 2023; pursuant to sec. 10, Ch. 374, L. 2017, the inclusion of 76-17-103 terminates June 30, 2027; pursuant to sec. 5, Ch. 50, L. 2019, the inclusion of 37-50-209 terminates September 30, 2023; pursuant to sec. 1, Ch. 408, L. 2019, the inclusion of 17-7-215 terminates June 30, 2029; pursuant to secs. 11, 12, and 14, Ch. 343, L. 2019, the inclusion of 15-35-108 terminates June 30, 2027; pursuant to sec. 7, Ch. 465, L. 2019, the inclusion of 85-2-526 terminates July 1, 2023; and pursuant to sec. 5, Ch. 477, L. 2019, the inclusion of 10-3-802 terminates June 30, 2023.)"

Section 6. Section 22-3-1004, MCA, is amended to read:

“22-3-1004. Montana heritage preservation and development account. (1) (a) There is a Montana heritage preservation and development account in the state special revenue fund and in the federal special revenue fund.

(b) The Montana heritage preservation and development commission shall deposit any federal money that the commission obtains into the appropriate account provided for in this section.

(2) Money deposited in the accounts must be used for:

(a) restoration, maintenance, and operation of historic properties in Virginia City and Nevada City; and

(b) restoring and maintaining historically significant properties in Montana that are in need of preservation.

~~(3) The accounts are statutorily appropriated, as provided in 17-7-502, to the commission to be used as provided in this section.~~

~~(4)~~(3) Unless otherwise prohibited by law or agreement, all interest earned on money in the accounts must be deposited in the state special revenue fund to the credit of the commission.”

Section 7. Section 87-1-601, MCA, is amended to read:

“87-1-601. Use of fish and game money. (1) (a) Except as provided in 87-1-290, 87-1-293, 87-1-623, and subsections (8) and (10) of this section, all money collected or received from the sale of hunting and fishing licenses or permits, from the sale of seized game or hides, from damages collected for violations of the fish and game laws of this state, or from appropriations or received by the department from any other state source must be turned over to the department of revenue and placed in the state special revenue fund to the credit of the department.

(b) Any money received from federal sources must be deposited in the federal special revenue fund to the credit of the department.

(c) All interest earned on money from the following sources must be placed in the state special revenue fund to the credit of the department:

(i) the general license account;

(ii) the license drawing account;

(iii) accounts established to administer the provisions of 87-1-246, 87-1-258, 87-1-605, 87-2-411, 87-2-722, and 87-2-724; and

(iv) money received from the sale of any other hunting and fishing license.

(2) Except as provided in 87-2-411, the money described in subsection (1) must be exclusively set apart and made available for the payment of all salaries, per diem, fees, expenses, and expenditures authorized to be made by the department under the terms of this title. The money described in subsection (1) must be spent for those purposes by the department, subject to appropriation by the legislature.

(3) Any reference to the fish and game fund in Title 87 means fish and game money in the state special revenue fund and the federal special revenue fund.

(4) Except as provided in subsections (8) and (9), all money collected or received from fines and forfeited bonds, except money collected or received by a justice's court, that relates to violations of state fish and game laws under Title 87 must be deposited by the department of revenue and credited to the department in a state special revenue fund account for this purpose. Out of any fine imposed by a court for the violation of the fish and game laws, the costs of prosecution must be paid to the county where the trial was held in any case in which the fine is not imposed in addition to the costs of prosecution.

(5) (a) Except as provided in 87-1-621, section 2(3), Chapter 560, Laws of 2005, and subsection (6) of this section, money must be deposited in an account in the permanent fund if it is received by the department from:

- (i) the sale of surplus real property;
- (ii) exploration or development of oil, gas, or mineral deposits from lands acquired by the department, except royalties or other compensation based on production; and
- (iii) leases of interests in department real property not contemplated at the time of acquisition.

(b) The interest derived from the account, but not the principal, may be used only for the purpose of operation, development, and maintenance of real property of the department and only upon appropriation by the legislature. If the use of money as set forth in this section would result in violation of applicable federal laws or state statutes specifically naming the department or money received by the department, then the use of this money must be limited in the manner, method, and amount to those uses that do not result in a violation.

(6) Money received from the sale or lease of lands acquired and managed for the purposes of Title 23, chapter 1, must be deposited in the state special revenue fund in the account established for miscellaneous funds received for state parks and may be used only for the purposes of Title 23, chapter 1.

(7) Money received from the collection of license drawing applications is subject to the deposit requirements of 17-6-105(6) unless the department has submitted and received approval for a modified deposit schedule pursuant to 17-6-105(8).

(8) Money collected or received from fines or forfeited bonds for the violation of 77-1-801, 77-1-806, or rules adopted under 77-1-804 must be deposited in the state general fund.

(9) The department of revenue shall deposit in the state general fund one-half of the money received from the fines imposed pursuant to Title 87, chapter 6.

(10) (a) The department shall deposit all money received from the *voluntary* search and rescue ~~surcharge donation~~ in 87-2-202 in a state special revenue account to the credit of the department for search and rescue purposes as provided for in 10-3-801.

~~(b) Upon certification by the department of reimbursement requests submitted by the department of military affairs for search and rescue missions involving persons engaged in hunting, fishing, or trapping, the department may transfer funds from the special revenue account to the search and rescue account provided for in 10-3-801 to reimburse counties for the costs of those missions as provided in 10-3-801.~~

~~(c) Using funds in the department's search and rescue account that are not already committed to reimbursement for search and rescue missions, the department may provide matching funds to the department of military affairs to reimburse counties for search and rescue training and equipment costs up to the proportion that the number of search and rescue missions involving persons engaged in hunting, fishing, or trapping bears to the statewide total of search and rescue missions.~~

~~(d) Any money deposited in the special revenue account is available for reimbursement of search and rescue missions and to provide matching funds to reimburse counties for search and rescue training and equipment costs."~~

Section 8. Section 87-2-202, MCA, is amended to read:

"87-2-202. Application – fee. (1) Except as provided in 87-2-817(2), a wildlife conservation license must be sold upon written application. The

application must contain the applicant's name, age, [last four digits of the applicant's social security number,] occupation, street address of permanent residence, mailing address, qualifying length of time as a resident in the state of Montana, and status as a citizen of the United States or as an alien and must be signed by the applicant. The applicant shall present a valid Montana driver's license, a Montana driver's examiner's identification card, a tribal identification card, or other identification specified by the department to substantiate the required information when applying for a wildlife conservation license. It is the applicant's burden to provide documentation establishing the applicant's identity and qualifications to purchase a wildlife conservation license or to receive a free wildlife conservation license pursuant to 87-2-817(2).

(2) Hunting, fishing, or trapping licenses issued in a form determined by the department must be recorded according to rules that the department may prescribe.

(3) (a) Resident wildlife conservation licenses may be purchased for a fee of \$8, of which 25 cents is a *voluntary* search and rescue ~~surcharged donation~~.

(b) Nonresident wildlife conservation licenses may be purchased for a fee of \$10, of which 25 cents is a *voluntary* search and rescue ~~surcharged donation~~.

(c) *A person who purchases a wildlife conservation license may make a written election not to pay the additional search and rescue donation in subsections (3)(a) and (3)(b). If a written election is made, the donation may not be collected.*

(4) The department shall keep the applicant's social security number confidential, except that the number may be provided to the department of public health and human services for use in administering Title IV-D of the Social Security Act.]

(5) The department shall delete the applicant's social security number in any electronic database [5 years after the date that application is made for the most recent license]. (Bracketed language terminates or is amended on occurrence of contingency--sec. 3, Ch. 321, L. 2001. The \$2 wildlife conservation license fee increases in subsections (3)(a) and (3)(b) enacted by Ch. 596, L. 2003, are void on occurrence of contingency--sec. 8, Ch. 596, L. 2003.)"

Section 9. Section 90-1-205, MCA, is amended to read:

"90-1-205. Economic development special revenue account.

(1) There is an economic development state special revenue account. The account receives earnings from the big sky economic development fund as provided in 17-5-703. The money in the account may be used only as provided in this part.

(2) The money in the account is statutorily appropriated, as provided in 17-7-502, to the department. Of the money that is deposited in the account that is not used for administrative expenses *or for other economic development purposes*:

(a) 75% must be allocated for distribution to local governments and tribal governments to be used for job creation efforts; and

(b) 25% must be allocated for distribution to certified regional development corporations, economic development organizations that are located in a county that is not part of a certified regional development corporation, and tribal governments."

Section 10. Transition. The department of fish, wildlife, and parks shall segregate search and rescue surcharges that were collected before [the effective date of this act] and administer the surcharges without regard to the amendments provided in [this act]. The department of military affairs shall submit requests for reimbursement from the segregated surcharges without regard to the amendments provided in [section 2(2)(b) and section 5]. On

June 30, 2023, any of the segregated surcharges that remain unspent must be transferred to the general license account established in 87-1-601(1).

Section 11. Effective dates. (1) Except as provided in subsections (2) and (3), [this act] is effective July 1, 2021.

(2) [Sections 2, 7, 8, and 10] are effective March 1, 2022.

(3) [Section 3] is effective July 1, 2023.

Section 12. Termination. [Sections 4 through 6] terminate June 30, 2027.

Approved May 14, 2021

CHAPTER NO. 564

[HB 681]

AN ACT CREATING THE AGRICULTURAL TRANSPORTATION ENHANCEMENT ACCOUNT TO BENEFIT CERTAIN PORT AUTHORITIES; PROVIDING AN APPROPRIATION; AMENDING SECTIONS 7-14-1111 AND 80-11-103, MCA; AND PROVIDING AN EFFECTIVE DATE.

Be it enacted by the Legislature of the State of Montana:

Section 1. Agricultural transportation enhancement account.

(1) There is an agricultural transportation enhancement account in the state special revenue fund established in 17-2-102.

(2) Any state funds distributed by the department of agriculture must be matched at a rate of 1 to 1, with \$1 in state funds to \$1 in local funds.

Section 2. Section 7-14-1111, MCA, is amended to read:

“7-14-1111. General powers of authority. An authority has all the powers necessary or convenient to carry out the purposes of this part, including but not limited to the power to:

(1) subject to 15-10-420, request annually the amount of tax to be levied by the governing body for port purposes, which request the governing body may in its discretion approve for port purposes;

(2) sue and be sued, have a seal, and have perpetual succession;

(3) execute contracts and other instruments and take other action that may be necessary or convenient to carry out the purposes of this part;

(4) plan, establish, acquire, develop, construct, purchase, enlarge, improve, maintain, equip, operate, regulate, and protect transportation, storage, or other facilities. For these purposes an authority may, by purchase, gift, devise, lease, or otherwise, acquire real or personal property or any interest in property, including easements.

(5) establish comprehensive port zoning regulations in accordance with the laws of this state;

(6) acquire, by purchase, gift, devise, lease, or otherwise, existing transportation, storage, or other facilities that may be necessary or convenient to carry out the purposes of this part. However, an authority may not acquire or take over any transportation, storage, or other facility owned or controlled by another authority, county, municipality, or public agency without the consent of the authority, county, municipality, or public agency.

(7) provide financial and other support to organizations in its jurisdiction, including corporations organized under the provisions of the development corporation act in Title 32, chapter 4, whose purpose is to promote, stimulate, develop, and advance the general welfare, economic development, and prosperity of its jurisdiction and of the state and its citizens by stimulating, assisting in, and supporting the growth of all kinds of economic activity,

including the creation, expansion, modernization, retention, and relocation of new and existing businesses and industry in the state, all of which will tend to promote business development, maintain the economic stability and prosperity of the state, and thus provide maximum opportunities for employment and improvement in the standards of living of citizens of the state; *and*

(8) for an authority with a truck/train transloading facility, receive grants pursuant to [section 1] to enhance the transportation of agricultural goods and to meet the purposes of this part."

Section 3. Section 80-11-103, MCA, is amended to read:

"80-11-103. Department's marketing duties. The department shall:

(1) keep abreast of research results in the subject matter area of marketing;

(2) coordinate work with local, state, and national planning groups and other interested parties in helping them identify major problem areas and needs in marketing;

(3) develop and carry out appropriate action programs that will result in significant improvements being made by those people concerned with problems of marketing;

(4) coordinate efforts with representatives of other agencies or organizations or persons who are concerned with related programs;

(5) investigate the costs of marketing;

(6) gather and disseminate information concerning supply, demand, favorable marketing information, prevailing prices, and changes in marketing movements, practices, and rates, including common and cold storage of food products;

(7) promote, assist, and encourage the organization and operation of cooperative and other associations and organizations for improving the relations and services among producers, distributors, and consumers of food products;

(8) investigate the practice and methods concerning the marketing of agricultural products;

(9) act as mediator or arbitrator, when invited, in a controversy or issue that may arise between producers and distributors;

(10) assist producers and distributors in the economical and efficient distribution of agricultural products at fair prices;

(11) appear and be heard at any hearing involving agricultural marketing affecting Montana; *and*

(12) award and distribute grants from the agricultural transportation enhancement account pursuant to [section 1] to enhance the transportation of agricultural goods and to meet the purposes of Title 7, chapter 14, part 11."

Section 4. Appropriation. There is appropriated \$2 million from the state special revenue account provided for in [section 1] to the department of agriculture for the biennium beginning July 1, 2021, to distribute grants to port authorities with a truck/train transloading facility to enhance the transportation of agricultural products to and from the state.

Section 5. Codification instruction. [Section 1] is intended to be codified as an integral part of Title 80, chapter 11, part 1, and the provisions of Title 80, chapter 11, part 1, apply to [section 1].

Section 6. Coordination instruction. The appropriation in [section 4] to the department of agriculture to distribute grants to port authorities with a truck/train transloading facility to enhance the transportation of agricultural products to and from the state pursuant to [this act] is void if:

(1) (a) both House Bill No. 632 and [this act] are passed and approved; and

(b) an appropriation pursuant to [section 12 of House Bill No. 632] is authorized to include grants pursuant to [this act]; or

(2) an appropriation by the legislature from federal funds received pursuant to an act of Congress before July 1, 2023, is authorized to include grants pursuant to [this act].

Section 7. Effective date. [This act] is effective July 1, 2021.

Approved May 14, 2021

CHAPTER NO. 565

[HB 689]

AN ACT GENERALLY REVISING CAMPAIGN FINANCE AND CAMPAIGN PRACTICE LAWS; ESTABLISHING REQUIREMENTS FOR REPORTING CONTRIBUTIONS AND EXPENDITURES FROM POLITICAL COMMITTEES THAT LEASE PROPERTY FROM THE STATE OF MONTANA AND THE MONTANA UNIVERSITY SYSTEM; REPEALING PROVISIONS RELATED TO THE VOLUNTARY FILING OF BROADCAST MATERIALS; PROVIDING AN APPROPRIATION; REVISING REPORTING REQUIREMENTS APPLICABLE TO RELIGIOUS ORGANIZATIONS IN CAMPAIGNS TO PROTECT THE FREE EXERCISE OF RELIGION AS GUARANTEED BY THE FIRST AMENDMENT OF THE UNITED STATES CONSTITUTION AND ARTICLE II, SECTION 5, OF THE MONTANA CONSTITUTION; REVISING DEFINITIONS; AMENDING SECTIONS 13-1-101, 13-37-111, 13-37-113, 13-37-124, 13-37-208, 13-37-233, AND 45-7-202, MCA; REPEALING SECTION 13-35-240, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.

Be it enacted by the Legislature of the State of Montana:

Section 1. Report by political committee operation from state owned property. (1) If a person other than an individual leases office space from the state or the Montana university system, files as a political committee pursuant to 13-37-201, and has more than \$5,000 in expenditures in a calendar year, the person shall submit a report by April 1 of the succeeding year to the legislative services division in accordance with 5-11-210. The report must contain the following information:

(a) the name of the political committee, the type of political committee, the political committee's mailing address, and the name of the political committee's treasurer;

(b) the purpose of the political committee or the name of the candidate or ballot issue supported or opposed by the committee;

(c) the total amount of contributions received by the committee in the preceding calendar year;

(d) the total amount of expenditures made by the committee in the preceding calendar year; and

(e) a listing of any reports submitted by the organization to the commissioner of political practices.

(2) The executive director of the legislative services division shall distribute a copy of the report to the members of the state administration and veterans' affairs interim committee and the members of the corresponding standing committees with jurisdiction over election laws. If the report is submitted by an entity leasing property from the Montana university system, the report must also be distributed to the members of the education interim

committee and the members of the corresponding standing committees with jurisdiction over education laws.

Section 2. Religious organization exemptions to be broadly construed. Pursuant to the first amendment to the United States constitution and to ensure the consistent application of the law, the commissioner shall broadly construe the exemptions concerning religious organizations provided in 13-1-101(9)(b)(ii), (14)(b)(v), (16)(b)(v), and (18)(b)(v).

Section 3. Section 13-1-101, MCA, is amended to read:

“13-1-101. Definitions. As used in this title, unless the context clearly indicates otherwise, the following definitions apply:

(1) “Active elector” means an elector whose name has not been placed on the inactive list due to failure to respond to confirmation notices pursuant to 13-2-220 or 13-19-313.

(2) “Active list” means a list of active electors maintained pursuant to 13-2-220.

(3) “Anything of value” means any goods that have a certain utility to the recipient that is real and that is ordinarily not given away free but is purchased.

(4) “Application for voter registration” means a voter registration form prescribed by the secretary of state that is completed and signed by an elector, is submitted to the election administrator, and contains voter registration information subject to verification as provided by law.

(5) “Ballot” means a paper ballot counted manually or a paper ballot counted by a machine, such as an optical scan system or other technology that automatically tabulates votes cast by processing the paper ballots.

(6) (a) “Ballot issue” or “issue” means a proposal submitted to the people at an election for their approval or rejection, including but not limited to an initiative, referendum, proposed constitutional amendment, recall question, school levy question, bond issue question, or ballot question.

(b) For the purposes of chapters 35 and 37, an issue becomes a “ballot issue” upon certification by the proper official that the legal procedure necessary for its qualification and placement on the ballot has been completed, except that a statewide issue becomes a “ballot issue” upon preparation and transmission by the secretary of state of the form of the petition or referral to the person who submitted the proposed issue.

(7) “Ballot issue committee” means a political committee specifically organized to support or oppose a ballot issue.

(8) “Candidate” means:

(a) an individual who has filed a declaration or petition for nomination, acceptance of nomination, or appointment as a candidate for public office as required by law;

(b) for the purposes of chapter 35, 36, or 37, an individual who has solicited or received and retained contributions, made expenditures, or given consent to an individual, organization, political party, or committee to solicit or receive and retain contributions or make expenditures on the individual’s behalf to secure nomination or election to any office at any time, whether or not the office for which the individual will seek nomination or election is known when the:

(i) solicitation is made;

(ii) contribution is received and retained; or

(iii) expenditure is made; or

(c) an officeholder who is the subject of a recall election.

(9) (a) "Contribution" means:

(i) the receipt by a candidate or a political committee of an advance, gift, loan, conveyance, deposit, payment, or distribution of money or anything of value to support or oppose a candidate or a ballot issue;

(ii) an expenditure, including an in-kind expenditure, that is made in coordination with a candidate or ballot issue committee and is reportable by the candidate or ballot issue committee as a contribution;

(iii) the receipt by a political committee of funds transferred from another political committee; or

(iv) the payment by a person other than a candidate or political committee of compensation for the personal services of another person that are rendered to a candidate or political committee.

(b) The term does not mean:

(i) services provided without compensation by individuals volunteering a portion or all of their time on behalf of a candidate or political committee or meals and lodging provided by individuals in their private residences for a candidate or other individual; or

(ii) *the cost of a communication not for distribution to the general public by a religious organization exempt from federal income tax when compliance with Title 13 would burden the organization's sincerely held religious beliefs or practices.*

(c) This definition does not apply to Title 13, chapter 37, part 6.

(10) "Coordinated", including any variations of the term, means made in cooperation with, in consultation with, at the request of, or with the express prior consent of a candidate or political committee or an agent of a candidate or political committee.

(11) "De minimis act" means an action, contribution, or expenditure that is so small that it does not trigger registration, reporting, disclaimer, or disclosure obligations under Title 13, chapter 35 or 37, or warrant enforcement as a campaign practices violation under Title 13, chapter 37.

(12) "Election" means a general, special, or primary election held pursuant to the requirements of state law, regardless of the time or purpose.

(13) (a) "Election administrator" means, except as provided in subsection (13)(b), the county clerk and recorder or the individual designated by a county governing body to be responsible for all election administration duties, except that with regard to school elections not administered by the county, the term means the school district clerk.

(b) As used in chapter 2 regarding voter registration, the term means the county clerk and recorder or the individual designated by a county governing body to be responsible for all election administration duties even if the school election is administered by the school district clerk.

(14) (a) "Election communication" means the following forms of communication to support or oppose a candidate or ballot issue:

(i) a paid advertisement broadcast over radio, television, cable, or satellite;

(ii) paid placement of content on the internet or other electronic communication network;

(iii) a paid advertisement published in a newspaper or periodical or on a billboard;

(iv) a mailing; or

(v) printed materials.

(b) The term does not mean:

(i) an activity or communication for the purpose of encouraging individuals to register to vote or to vote, if that activity or communication does not mention or depict a clearly identified candidate or ballot issue;

(ii) a communication that does not support or oppose a candidate or ballot issue;

(iii) a bona fide news story, commentary, blog, or editorial distributed through the facilities of any broadcasting station, newspaper, magazine, internet website, or other periodical publication of general circulation;

(iv) a communication by any membership organization or corporation to its members, stockholders, or employees;

(v) *a communication not for distribution to the general public by a religious organization exempt from federal income tax when compliance with Title 13 would burden the organization's sincerely held religious beliefs or practices*; or

(~~iv~~)(vi) a communication that the commissioner determines by rule is not an election communication.

(15) "Election judge" means a person who is appointed pursuant to Title 13, chapter 4, part 1, to perform duties as specified by law.

(16) (a) "Electioneering communication" means a paid communication that is publicly distributed by radio, television, cable, satellite, internet website, newspaper, periodical, billboard, mail, or any other distribution of printed materials, that is made within 60 days of the initiation of voting in an election, that does not support or oppose a candidate or ballot issue, that can be received by more than 100 recipients in the district voting on the candidate or ballot issue, and that:

(i) refers to one or more clearly identified candidates in that election;

(ii) depicts the name, image, likeness, or voice of one or more clearly identified candidates in that election; or

(iii) refers to a political party, ballot issue, or other question submitted to the voters in that election.

(b) The term does not mean:

(i) a bona fide news story, commentary, blog, or editorial distributed through the facilities of any broadcasting station, newspaper, magazine, internet website, or other periodical publication of general circulation unless the facilities are owned or controlled by a candidate or political committee;

(ii) a communication by any membership organization or corporation to its members, stockholders, or employees;

(iii) a commercial communication that depicts a candidate's name, image, likeness, or voice only in the candidate's capacity as owner, operator, or employee of a business that existed prior to the candidacy;

(iv) a communication that constitutes a candidate debate or forum or that solely promotes a candidate debate or forum and is made by or on behalf of the person sponsoring the debate or forum; ~~or~~

(v) *a communication not for distribution to the general public by a religious organization exempt from federal income tax when compliance with Title 13 would burden the organization's sincerely held religious beliefs or practices*; or

(~~iv~~)(vi) a communication that the commissioner determines by rule is not an electioneering communication.

(17) "Elector" means an individual qualified to vote under state law.

(18) (a) "Expenditure" means a purchase, payment, distribution, loan, advance, promise, pledge, or gift of money or anything of value:

(i) made by a candidate or political committee to support or oppose a candidate or a ballot issue; or

(ii) used or intended for use in making independent expenditures or in producing electioneering communications.

(b) The term does not mean:

(i) services, food, or lodging provided in a manner that they are not contributions under subsection (9);

(ii) payments by a candidate for personal travel expenses, food, clothing, lodging, or personal necessities for the candidate and the candidate's family;

(iii) the cost of any bona fide news story, commentary, blog, or editorial distributed through the facilities of any broadcasting station, newspaper, magazine, or other periodical publication of general circulation; or

(iv) the cost of any communication by any membership organization or corporation to its members or stockholders or employees; or

(v) *the cost of a communication not for distribution to the general public by a religious organization exempt from federal income tax when compliance with Title 13 would burden the organization's sincerely held religious beliefs or practices.*

(c) This definition does not apply to Title 13, chapter 37, part 6.

(19) "Federal election" means an election in even-numbered years in which an elector may vote for individuals for the office of president of the United States or for the United States congress.

(20) "General election" means an election that is held for offices that first appear on a primary election ballot, unless the primary is canceled as authorized by law, and that is held on a date specified in 13-1-104.

(21) "Inactive elector" means an individual who failed to respond to confirmation notices and whose name was placed on the inactive list pursuant to 13-2-220 or 13-19-313.

(22) "Inactive list" means a list of inactive electors maintained pursuant to 13-2-220 or 13-19-313.

(23) (a) "Incidental committee" means a political committee that is not specifically organized or operating for the primary purpose of supporting or opposing candidates or ballot issues but that may incidentally become a political committee by receiving a contribution or making an expenditure.

(b) For the purpose of this subsection (23), the primary purpose is determined by the commissioner by rule and includes criteria such as the allocation of budget, staff, or members' activity or the statement of purpose or goal of the person or individuals that form the committee.

(24) "Independent committee" means a political committee organized for the primary purpose of receiving contributions and making expenditures that is not controlled either directly or indirectly by a candidate and that does not coordinate with a candidate in conjunction with the making of expenditures except pursuant to the limits set forth in 13-37-216(1).

(25) "Independent expenditure" means an expenditure for an election communication to support or oppose a candidate or ballot issue made at any time that is not coordinated with a candidate or ballot issue committee.

(26) "Individual" means a human being.

(27) "Legally registered elector" means an individual whose application for voter registration was accepted, processed, and verified as provided by law.

(28) "Mail ballot election" means any election that is conducted under Title 13, chapter 19, by mailing ballots to all active electors.

(29) "Person" means an individual, corporation, association, firm, partnership, cooperative, committee, including a political committee, club, union, or other organization or group of individuals or a candidate as defined in subsection (8).

(30) "Place of deposit" means a location designated by the election administrator pursuant to 13-19-307 for a mail ballot election conducted under Title 13, chapter 19.

(31) (a) "Political committee" means a combination of two or more individuals or a person other than an individual who receives a contribution or makes an expenditure:

(i) to support or oppose a candidate or a committee organized to support or oppose a candidate or a petition for nomination;

(ii) to support or oppose a ballot issue or a committee organized to support or oppose a ballot issue; or

(iii) to prepare or disseminate an election communication, an electioneering communication, or an independent expenditure.

(b) Political committees include ballot issue committees, incidental committees, independent committees, and political party committees.

(c) A candidate and the candidate's treasurer do not constitute a political committee.

(d) A political committee is not formed when a combination of two or more individuals or a person other than an individual makes an election communication, an electioneering communication, or an independent expenditure of \$250 or less.

(32) "Political party committee" means a political committee formed by a political party organization and includes all county and city central committees.

(33) "Political party organization" means a political organization that:

(a) was represented on the official ballot in either of the two most recent statewide general elections; or

(b) has met the petition requirements provided in Title 13, chapter 10, part 5.

(34) "Political subdivision" means a county, consolidated municipal-county government, municipality, special purpose district, or any other unit of government, except school districts, having authority to hold an election.

(35) "Polling place election" means an election primarily conducted at polling places rather than by mail under the provisions of Title 13, chapter 19.

(36) "Primary" or "primary election" means an election held on a date specified in 13-1-107 to nominate candidates for offices filled at a general election.

(37) "Provisional ballot" means a ballot cast by an elector whose identity or eligibility to vote has not been verified as provided by law.

(38) "Provisionally registered elector" means an individual whose application for voter registration was accepted but whose identity or eligibility has not yet been verified as provided by law.

(39) "Public office" means a state, county, municipal, school, or other district office that is filled by the people at an election.

(40) "Random-sample audit" means an audit involving a manual count of ballots from designated races and ballot issues in precincts selected through a random process as provided in 13-17-503.

(41) "Registrar" means the county election administrator and any regularly appointed deputy or assistant election administrator.

(42) "Regular school election" means the school trustee election provided for in 20-20-105(1).

(43) *"Religious organization" means a house of worship with the major purpose of supporting religious activities, including but not limited to a church, mosque, shrine, synagogue, or temple. The organic documents of the organization must list a formal code of doctrine and discipline, and the organization must spend the majority of its money on religious activities such as regular religious services, educational preparation for its ministers, development and support of its ministers, membership development, outreach, and support, and the production and distribution of religious literature developed by the organization.*

~~(43)~~(44) "School election" has the meaning provided in 20-1-101.

(44)(45) "School election filing officer" means the filing officer with whom the declarations for nomination for school district office were filed or with whom the school ballot issue was filed.

(45)(46) "School recount board" means the board authorized pursuant to 20-20-420 to perform recount duties in school elections.

(46)(47) "Signature envelope" means an envelope that contains a secrecy envelope and ballot and that is designed to:

(a) allow election officials, upon examination of the outside of the envelope, to determine that the ballot is being submitted by someone who is in fact a qualified elector and who has not already voted; and

(b) allow it to be used in the United States mail.

(47)(48) "Special election" means an election held on a day other than the day specified for a primary election, general election, or regular school election.

(48)(49) "Special purpose district" means an area with special boundaries created as authorized by law for a specialized and limited purpose.

(49)(50) "Statewide voter registration list" means the voter registration list established and maintained pursuant to 13-2-107 and 13-2-108.

(50)(51) "Support or oppose", including any variations of the term, means:

(a) using express words, including but not limited to "vote", "oppose", "support", "elect", "defeat", or "reject", that call for the nomination, election, or defeat of one or more clearly identified candidates, the election or defeat of one or more political parties, or the passage or defeat of one or more ballot issues submitted to voters in an election; or

(b) otherwise referring to or depicting one or more clearly identified candidates, political parties, or ballot issues in a manner that is susceptible of no reasonable interpretation other than as a call for the nomination, election, or defeat of the candidate in an election, the election or defeat of the political party, or the passage or defeat of the ballot issue or other question submitted to the voters in an election.

(51)(52) "Valid vote" means a vote that has been counted as valid or determined to be valid as provided in 13-15-206.

(52)(53) "Voted ballot" means a ballot that is:

(a) deposited in the ballot box at a polling place;

(b) received at the election administrator's office; or

(c) returned to a place of deposit.

(53)(54) "Voter interface device" means a voting system that:

(a) is accessible to electors with disabilities;

(b) communicates voting instructions and ballot information to a voter;

(c) allows the voter to select and vote for candidates and issues and to verify and change selections; and

(d) produces a paper ballot that displays electors' choices so the elector can confirm the ballot's accuracy and that may be manually counted.

(54)(55) "Voting system" or "system" means any machine, device, technology, or equipment used to automatically record, tabulate, or process the vote of an elector cast on a paper ballot."

Section 4. Section 13-37-111, MCA, is amended to read:

"13-37-111. Investigative powers and duties – recusal. (1) Except as provided in ~~13-35-240~~ and this section, the commissioner is responsible for investigating all of the alleged violations of the election laws contained in chapter 35 of this title or this chapter and in conjunction with the county attorneys is responsible for enforcing these election laws.

(2) The commissioner may:

(a) investigate all statements filed pursuant to the provisions of chapter 35 of this title or this chapter and shall investigate alleged failures to file any

statement or the alleged falsification of any statement filed pursuant to the provisions of chapter 35 of this title or this chapter. Upon the submission of a written complaint by any individual, the commissioner shall investigate any other alleged violation of the provisions of chapter 35 of this title, this chapter, or any rule adopted pursuant to chapter 35 of this title or this chapter.

(b) inspect any records, accounts, or books that must be kept pursuant to the provisions of chapter 35 of this title or this chapter that are held by any political committee or candidate, as long as the inspection is made during reasonable office hours; and

(c) administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda, bank account statements of a political committee or candidate, or other records that are relevant or material for the purpose of conducting any investigation pursuant to the provisions of chapter 35 of this title or this chapter.

(3) If the commissioner determines that considering a matter would give rise to the appearance of impropriety or a conflict of interest, the commissioner is recused from participating in the matter.

(4) The commissioner is recused from participating in any decision in which the commissioner is accused of violating 13-37-108 or any other ethical standard.

(5) (a) If a campaign finance or ethics complaint is filed in the office of the commissioner against the commissioner, a supervisor within the commissioner's office shall within 10 business days forward the complaint to the attorney general, who shall within 45 days appoint a deputy in the case of a finance complaint or a deputy and a hearings officer in the case of an ethics complaint to make a determination in the matter of the complaint. The attorney general shall, to the extent practicable, ensure that there is no conflict of interest in the appointment of the deputy or hearings officer or in the provision of any legal advice to the office of the commissioner.

(b) A deputy appointed pursuant to this subsection must, in addition to complying with the requirements of subsection (6)(b), be an attorney licensed to practice law in Montana who is engaged in the private practice of law and who has liability insurance applicable to the purposes for which the deputy is appointed.

(c) If a complaint is filed against the commissioner, another employee in the office of the commissioner may not provide the commissioner with any information or documents concerning a complaint against the commissioner beyond that information or those documents normally provided to persons in matters before the commissioner.

(6) (a) If the commissioner is recused pursuant to this section, the commissioner shall, except as provided in subsection (5), appoint a deputy, subject to subsection (6)(b).

(b) The deputy:

(i) may not be an employee of the office of the commissioner;

(ii) must have the same qualifications as specified for the commissioner in 13-37-107;

(iii) with respect to only the specific matter from which the commissioner is recused, has the same authority, duties, and responsibilities as the commissioner would have absent the recusal; and

(iv) may not exercise any powers of the office that are not specifically related to the matter for which the deputy is appointed.

(7) (a) Except as provided in subsection (7)(b), the appointment of the deputy is effectuated by a contract between the commissioner and the deputy.

A contract executed pursuant to this subsection (7) must specify the deputy's term of appointment, which must be temporary, the matter assigned to the deputy, the date on which the matter assigned must be concluded by the deputy, and any other items relevant to the deputy's appointment, powers, or duties.

(b) If a deputy is appointed pursuant to subsection (5), the appointment of the deputy is effectuated by a contract between the supervisor who forwarded the complaint to the attorney general and the deputy or the deputy and the hearings officer, but the contract is construed to be with the office of the commissioner."

Section 5. Section 13-37-113, MCA, is amended to read:

"13-37-113. Hiring of attorneys – prosecutions. The commissioner may hire or retain attorneys who are properly licensed to practice before the supreme court of the state of Montana to prosecute violations of chapter 35 of this title or this chapter. Any attorney retained or hired shall exercise the powers of a special attorney general, and the attorney may prosecute, subject to the control and supervision of the commissioner and the provisions of ~~13-35-240~~, 13-37-124, and 13-37-125, any criminal or civil action arising out of a violation of any provision of chapter 35 of this title or this chapter. All prosecutions must be brought in the state district court for the county in which a violation has occurred or in the district court for Lewis and Clark County. The authority to prosecute as prescribed by this section includes the authority to:

(1) institute proceedings for the arrest of persons charged with or reasonably suspected of criminal violations of chapter 35 of this title or this chapter;

(2) attend and give advice to a grand jury when cases involving criminal violations of chapter 35 of this title or this chapter are presented;

(3) draw and file indictments, informations, and criminal complaints;

(4) prosecute all actions for the recovery of debts, fines, penalties, or forfeitures accruing to the state or county from persons convicted of violating chapter 35 of this title or this chapter; and

(5) do any other act necessary to successfully prosecute a violation of any provision of chapter 35 of this title or this chapter."

Section 6. Section 13-37-124, MCA, is amended to read:

"13-37-124. Consultation and cooperation with county attorney.

(1) ~~Except as provided in 13-35-240, whenever~~ *Whenever* the commissioner determines that there appears to be sufficient evidence to justify a civil or criminal prosecution under chapter 35 of this title or this chapter, the commissioner shall notify the county attorney of the county in which the alleged violation occurred and shall arrange to transmit to the county attorney all information relevant to the alleged violation. If the county attorney fails to initiate the appropriate civil or criminal action within 30 days after receiving notification of the alleged violation, the commissioner may then initiate the appropriate legal action.

(2) A county attorney may, at any time prior to the expiration of the 30-day time period specified in subsection (1), waive the right to prosecute, and the waiver authorizes the commissioner to initiate the appropriate civil or criminal action.

(3) The provisions of subsection (1) do not apply to a situation in which the alleged violation has been committed by the county attorney of a county. In this instance, the commissioner is authorized to directly prosecute any alleged violation of chapter 35 of this title or this chapter.

(4) If a prosecution is undertaken by the commissioner, all court costs associated with the prosecution must be paid by the state of Montana, and all fines and forfeitures imposed pursuant to a prosecution by the commissioner, except those paid to or imposed by a justice's court, must be deposited in the state general fund."

Section 7. Section 13-37-208, MCA, is amended to read:

"13-37-208. Treasurer to keep records. (1) (a) Except as provided in subsection (1)(b), the campaign treasurer of each candidate and each political committee shall keep detailed accounts of all contributions received and all expenditures made by or on behalf of the candidate or political committee that are required to be set forth in a report filed under this chapter. The accounts must be current within not more than 10 days after the date of receiving a contribution or making an expenditure.

(b) The accounts described in subsection (1)(a) must be current as of the 5th day before the date of filing of a report as specified in 13-37-228.

(2) Accounts of a deputy campaign treasurer must be transferred to the treasurer of a candidate or political committee before the candidate or political committee finally closes its books or when the position of a deputy campaign treasurer becomes vacant and no successor is appointed.

(3) Accounts kept by a campaign treasurer of a candidate or political committee must be preserved by the campaign treasurer for a period ~~coinciding with the term of office for which the person was a candidate or for a period of 4 years, whichever is longer.~~

Section 8. Section 13-37-233, MCA, is amended to read:

"13-37-233. Reports to be filed regardless of tax status. (1) A person that makes an election communication, an electioneering communication, or an independent expenditure shall file reports required by this chapter regardless of the person's tax status under state or federal law.

(2) *This section does not apply to the exemptions granted to a religious organization under the definitions of a contribution, election communication, electioneering communication, and expenditure as provided in 13-1-101."*

Section 9. Section 45-7-202, MCA, is amended to read:

"45-7-202. False swearing. (1) A person commits the offense of false swearing if the person knowingly makes a false statement under oath or equivalent affirmation or swears or affirms the truth of a statement previously made when the person does not believe the statement to be true and:

(a) the falsification occurs in an official proceeding;

(b) the falsification is purposely made to mislead a public servant in performing an official function; or

(c) the statement is one that is required by law to be sworn or affirmed before a notary or other person authorized to administer oaths.

(2) Subsections (4) through (7) of 45-7-201 apply to this section.

(3) ~~Except as provided in 13-35-240, a~~ A person convicted of false swearing shall be fined an amount not to exceed \$500 or be imprisoned in the county jail for a term not to exceed 6 months, or both."

Section 10. Repealer. The following sections of the Montana Code Annotated are repealed:

13-35-240. Voluntary filing of broadcast campaign materials -- affidavit -- penalty.

Section 11. Appropriation. There is appropriated \$1,000 from the general fund to the legislative services division for the purposes of distributing copies of reports pursuant to [section 1].

Section 12. Severability. If a part of [this act] is invalid, all valid parts that are severable from the invalid part remain in effect. If a part of [this act] is

invalid in one or more of its applications, the part remains in effect in all valid applications that are severable from the invalid applications.

Section 13. Codification instruction. (1) [Section 1] is intended to be codified as an integral part of Title 13, chapter 37, part 4, and the provisions of Title 13, chapter 37, part 4, apply to [section 1].

(2) [Section 2] is intended to be codified as an integral part of Title 13, chapter 37, part 2, and the provisions of Title 13, chapter 37, part 2, apply to [section 2].

Section 14. Coordination instruction. If both Senate Bill No. 319 and [this act] are passed and approved and if both include a section that amends 13-37-208, then:

(1) [section 7 of this act], amending 13-37-208, is void; and

(2) [section 11(3) of Senate Bill No. 319], amending 13-37-208, must be amended as follows: “(3) Accounts kept by a campaign treasurer of a candidate, political committee, or joint fundraising committee must be preserved by the campaign treasurer for a period of 4 years.”

Section 15. Effective date. [This act] is effective on passage and approval.

Approved May 14, 2021

CHAPTER NO. 566

[HB 693]

AN ACT IMPLEMENTING PROVISIONS OF THE GENERAL APPROPRIATIONS ACT; PROVIDING FOR REPORTING REQUIREMENTS FOR THE DEPARTMENT OF CORRECTIONS; PROVIDING FOR REPORTING REQUIREMENTS FOR THE OFFICE OF STATE PUBLIC DEFENDER; PROVIDING FOR REPORTING REQUIREMENTS FOR THE DEPARTMENT OF JUSTICE; PROVIDING FOR REPORTING REQUIREMENTS FOR THE OFFICE OF COURT ADMINISTRATOR; PROVIDING FOR LEGISLATIVE INTENT; PROVIDING FOR AN ADDITIONAL JUDGE TO THE 11TH AND THE 18TH JUDICIAL DISTRICTS; EXTENDING THE PUBLIC SAFETY OFFICER STANDARDS AND TRAINING BUREAU; TRANSFERRING ADMINISTRATION OF 9-1-1 FUNDS FROM THE DEPARTMENT OF ADMINISTRATION TO THE DEPARTMENT OF JUSTICE; GRANTING CONSENT TO DISCONTINUE THE CONTRACT WITH THE GREAT FALLS REGIONAL PRISON; PROVIDING NOTIFICATION OF DISCHARGE ELIGIBILITY; PROVIDING FOR A TRANSFER OF FUNDS; ALLOWING A DRIVER TO RENEW A DRIVER'S LICENSE WHEN APPLYING FOR A REAL ID-COMPLIANT LICENSE; REDUCING FEES FOR A REAL ID-COMPLIANT DRIVER'S LICENSE OR IDENTIFICATION CARD REQUESTED PRIOR TO RENEWAL; REVISING FUNDING FOR THE MOTOR VEHICLE INFORMATION TECHNOLOGY SYSTEM ACCOUNT; AMENDING SECTIONS 3-5-102, 10-4-101, 10-4-105, 10-4-304, 44-7-204, 46-23-1011, 61-3-103, 61-3-109, 61-3-203, 61-5-111, AND 61-5-129, MCA; AMENDING SECTION 23, CHAPTER 456, LAWS OF 2019; AND PROVIDING EFFECTIVE DATES.

WHEREAS, the Legislature is concerned with the delays associated with transferring defendants to state custody after imposition of sentence. When the Department of Corrections does not timely assume custody of defendants after

sentencing, local government facilities may lack capacity to hold other persons. It is the expectation of the Legislature that the Department of Corrections will ensure that defendants sentenced for one or more felonies will not remain in a county detention facility for more than 10 business days after sentencing unless unusual circumstances arise; and

WHEREAS, with respect to the Department of Corrections, the Legislature has been advised that the vocational opportunities at the Montana Women's Prison are inadequate, particularly when compared to the offerings at the Montana State Men's Prison. The Legislature is mindful that the campuses may face different limitations in what programming may be offered based on location, footprint, and facilities; and

WHEREAS, with respect to the Department of Corrections, the Legislature is concerned with the findings of the Legislative Audit Division in 2020 that the Department of Corrections had drug treatment beds that were not fully utilized in fiscal year 2019, which resulted in a payment for failure to allow the contractor to operate at 75% capacity; and

WHEREAS, with respect to the Department of Corrections, the Legislature is concerned that the Department of Corrections has yet to fully implement statutory directives to measure the effectiveness of its programs—both those provided by the Department of Corrections employees and those provided by contractors. In 2017, the Legislature directed the Department of Corrections to conduct evaluations of programs to determine their impact on reducing recidivism. This work, in addition to other requirements in Senate Bill No. 59 (2017), appears to be unaddressed or incomplete. Moreover, the Department of Corrections' definition of recidivism is an inadequate measure for the determination of effectiveness of its programming. The Legislature is interested in having data on crimes committed by those discharged from the Department of Corrections' custody, not merely "the rate at which adult offenders return to prison in Montana for any reason within three years of their release from prison", which fails to address reentry outcomes of many individuals committed to the Department of Corrections' custody and evaluates a truncated time period; and

WHEREAS, with respect to the Office of State Public Defender, the Legislature is concerned with the findings of the Legislative Audit Division in 2020 regarding billing practices by contractors, including the failure to require the use of assistants for nonattorney tasks, and allowing contractors to work a number of hours each year that may induce attorneys to be contractors instead of the Office of State Public Defender employees; and

WHEREAS, with respect to the Office of State Public Defender, it is the sense of the Legislature that the Office of State Public Defender expends its appropriation, in part, to perform tasks that are not required by the state or federal constitution or by statutory directive, such as in section 47-1-104(4), MCA. Given limited resources and the demands on the Office of State Public Defender staff, the Legislature believes that it is incumbent on the Office of State Public Defender management to limit the scope of its work to what is required by statute and the constitution; and

WHEREAS, with respect to the Office of State Public Defender, neither through its employees nor its contractors should the Office of State Public Defender impair the Legislature's intent to have defendants share in the costs of counsel provided by the Office of State Public Defender. The Office of State Public Defender employees and contractors should not move the court to waive assessments under section 46-8-113, MCA, unless the defendant can show a compelling reason why they cannot pay this assessment over the course of the sentence; and

WHEREAS, in House Bill No. 640 (2019), the Legislature established a mechanism to ensure that sexual abuse reports generated by those with mandatory reporting responsibilities are provided to county attorneys and that county attorneys report to the Attorney General on the status of the investigations and prosecutions generated from these referrals. It is the sense of the Legislature that the Department of Justice has not undertaken a thorough review of the reports generated pursuant to section 41-3-210(3), MCA, and the Legislature urges the Department of Justice to do so; and

WHEREAS, the Legislature has taken a number of steps to strengthen the laws and investigative response to address human trafficking and sexual exploitation of minors. Given the collective commitment in the legislative and executive branches to combat these crimes, the Legislature needs greater clarity on whether its appropriations and statutory changes are having an impact; and

WHEREAS, the Legislature expresses its concern that the backlog of testing on sexual assault kits must be eliminated as soon as possible; and

WHEREAS, the definition of recidivism utilized by the judicial branch in evaluating the effectiveness of treatment courts is different than the definition used by the Department of Corrections for its programming, making it difficult to compare the effectiveness of treatment courts to in-patient treatment. It is the sense of the Legislature that a single definition of recidivism would make it possible to have a consistent evaluation of effectiveness; and

WHEREAS, the Legislature believes that expungement of a conviction for driving under the influence of drugs or alcohol will impair the correctional and public safety goals that the Legislature aims to achieve through the Section D appropriation.

Be it enacted by the Legislature of the State of Montana:

Section 1. Department of corrections to report. (1) Beginning July 1, 2021, and each quarter of the 2023 biennium, the department of corrections shall report, in accordance with 5-11-210, to the law and justice interim committee and the legislative finance committee on the utilization of drug treatment beds and any payments made to contractors for the failure to allow the contractor to operate at 75% capacity.

(2) The department of corrections shall report to the law and justice interim committee and the legislative finance committee no later than September 1, 2022, on the rental voucher program to identify:

(a) where the voucher program is being utilized based on the location of expenditures; and

(b) the strengths and weaknesses of the program as identified by the department.

(3) The department of corrections shall examine additional vocational programming options for the Montana women's prison and report its findings to the law and justice interim committee and the legislative finance committee no later than September 1, 2022.

(4) Beginning July 1, 2021, and each quarter of the 2023 biennium, for the quarter preceding the report, the department of corrections shall report to the law and justice interim committee and the legislative finance committee on:

(a) the number of occasions a defendant sentenced for one or more felonies remained in a county detention facility for more than 10 business days after sentencing;

(b) the names of the defendants who remained in a county detention facility for more than 10 business days after sentencing and the county detention facility in which they were held; and

(c) for those defendants remaining in a county detention facility for more than 10 business days after sentencing, on the relevant facts leading to the delay in transfer out of the facility and whether the delay is attributable to untimely receipt of a judgment or other sentencing documents from the judicial branch.

(5) No later than September 1, 2022, for offenders who were under the department's supervision or in the department's custody between July 1, 2015, and July 1, 2021, the department of corrections shall report to the law and justice interim committee and the criminal justice oversight council the identity, criminal history, including the crimes or violations requiring the report, and correctional institution history of individuals:

(a) who were sentenced for a felony offense between July 1, 2021, and June 30, 2022; or

(b) whose sentences were revoked for a violation of the terms and conditions of a suspended or deferred sentence between July 1, 2021, and June 30, 2022, excluding a violation that is not a compliance violation as defined in 46-18-203.

Section 2. The office of state public defender to report. (1) By July 1, 2021, the office of state public defender shall report to the legislative finance committee on what measures it is taking in fiscal years 2022 and 2023 to ensure that its employees are accurately and completely making time entries that demonstrate how much time is:

(a) dedicated to core tasks;

(b) spent on specific cases; and

(c) spent on tasks other than those required to meet the constitutional requirement to provide counsel for individuals not financially able to afford counsel for crimes if jail or prison time may be the punishment if convicted.

(2) By July 1, 2021, the office of state public defender shall report to the legislative finance committee on what it will do in fiscal years 2022 and 2023 to address the concerns identified by the legislative audit division in 2020 regarding billing practices by contractors, including the failure to require the use of assistants for nonattorney tasks, and allowing contractors to work a number of hours each year that may induce attorneys to be contractors instead of the office of state public defender employees.

(3) No later than August 1, 2022, the office of state public defender shall report to the legislative finance committee on the tasks performed by attorneys and nonattorneys in fiscal year 2022 that were not required by statute or constitutional requirement and the amount of time dedicated to that work.

(4) No later than September 1, 2022, the office of state public defender shall report to the legislative finance committee on whether funding from Title IV-E of the Social Security Act provided all funding needed to provide legal representation for children and parents in child abuse and neglect proceedings in fiscal year 2022 and, if not, what necessary expenditures were made from other appropriated funds.

(5) The office of state public defender shall identify data needs for measuring agency performance and establish data-based performance measurements and targets and shall report to the legislative finance committee on these needs and measurements by September 1, 2022.

(6) No later than September 1, 2022, the office of state public defender shall report to the legislative finance committee on the cases in fiscal year 2022 in which it moved for waiver of the assessment and the basis for the motion.

(7) No later than September 1, 2022, the office of state public defender shall report to the legislative finance committee on the time spent by employees and contractors in cases involving defendants in treatment courts

in the preceding fiscal year for each defendant. The report must report on each defendant without identifying the defendant by name for each district court or court of limited jurisdiction.

(8) No later than September 1, 2022, the office of state public defender shall report to the legislative finance committee on the time spent by employees and contractors in cases involving defendants in capital cases in fiscal year 2022 for each defendant.

Section 3. Department of justice to report. (1) The department shall undertake a thorough review of the reports generated pursuant to 41-3-210(3) and report to the law and justice interim committee and the legislative finance committee no later than August 1, 2021, on the status of reporting by county attorneys since the initial report deadline identified in House Bill No. 640 (2019) and its review of the county attorney reports and overall assessment of the law enforcement and prosecutorial response to reports from mandatory reporters.

(2) No later than September 1, 2022, the department of justice shall report to the law and justice interim committee and the legislative finance committee on the number of human trafficking investigations initiated by the department of justice in fiscal years 2021 and 2022 and the number of prosecutions generated from the investigations. The report must also include information on the sentences imposed for convictions obtained as a result of these prosecutions, including the names of the defendants and the crimes for which convictions were obtained.

(3) No later than September 1, 2022, the department of justice shall report to the law and justice interim committee and the legislative finance committee on the number of referrals to ICAC-funded programs in fiscal years 2021 and 2022 and the number of investigations initiated in response. The report must also include information on prosecutions initiated in fiscal years 2021 and 2022 as the result of these investigations and the sentences imposed for convictions obtained as a result of these prosecutions.

(4) The legislature expresses its concern that the backlog of testing on sexual assault kits must be eliminated as soon as possible. It has provided one-time-only funding in fiscal years 2022 and 2023 to provide additional resources to the department of justice to complete this work. No later than September 1, 2022, the department shall report to the legislative finance committee on the number of sexual assault kits evaluated in fiscal year 2022 and the work remaining to eliminate any backlog.

(5) No later than September 1, 2022, the department of justice shall report to the law and justice interim committee and the legislative finance committee on how many offenders have had their convictions expunged since the passage of [this act] through a treatment court and what the underlying crime was for.

Section 4. Office of court administrator to report. Each quarter of the fiscal year, the office of court administrator shall report to the law and justice interim committee and the legislative finance committee on the number of civil cases that have been pending for more than 2 years by judicial district. The report must identify:

- (1) the judicial district;
- (2) the number of cases in that district that are pending for more than 2 years but less than 3 years;
- (3) the number of cases in that district that are pending for more than 3 years but less than 4 years;
- (4) the number of cases in that district that are pending for more than 4 years but less than 5 years; and
- (5) the number of cases in that district that are pending for more than 5 years.

Section 5. Legislative intent. It is the intent of the legislature that the judicial branch confer with the Montana state library and other states' law libraries to evaluate whether a fee for service model would be appropriate given the services offered by the state law library.

Section 6. Section 3-5-102, MCA, is amended to read:

"3-5-102. Number of judges. In each judicial district, there must be the following number of judges of the district court:

- (1) in the 2nd, 7th, 16th, 20th, and 21st districts, two judges each;
- ~~(2) in the 18th district, three judges;~~
- ~~(3)(2)~~ in the 1st, 8th, ~~and 11th~~, *and 18th* districts, four judges each;
- ~~(4)(3)~~ in the 4th ~~district~~ *and 11th districts*, five judges;
- ~~(5)(4)~~ in the 13th district, eight judges; *and*
- ~~(6)(5)~~ in all other districts, one judge each."

Section 7. Appointment and election of judges. (1) The additional judge for the 18th judicial district must be appointed pursuant to the provisions of Title 3, chapter 1, part 10, to take office January 3, 2022. The appointee shall serve until the day before the first Monday of January following the first general election after appointment. The candidate elected at that election holds the office for the remainder of the unexpired 6-year term.

(2) The additional judge for the 11th judicial district must be elected to take office January 2, 2023.

Section 8. Authority to discontinue use. The legislature provides consent for the department of corrections to discontinue the use of the Great Falls regional prison in accordance with 53-1-202(4).

Section 9. Section 10-4-101, MCA, is amended to read:

"10-4-101. Definitions. As used in this chapter, unless the context requires otherwise, the following definitions apply:

(1) "9-1-1 system" means telecommunications facilities, circuits, equipment, devices, software, and associated contracted services for the transmission of emergency communications. A 9-1-1 system includes the transmission of emergency communications:

(a) from persons requesting emergency services to a primary public safety answering point and communications systems for the direct dispatch, relay, and transfer of emergency communications; and

(b) to or from a public safety answering point to or from emergency service units.

(2) "Access line" means a voice service of a provider of exchange access services, a wireless provider, or a provider of interconnected voice over IP service that has enabled and activated service for its subscriber to contact a public safety answering point via a 9-1-1 system by entering or dialing the digits 9-1-1. When the service has the capacity, as enabled and activated by a provider, to make more than one simultaneous outbound 9-1-1 call, then each separate simultaneous outbound call, voice channel, or other capacity constitutes a separate access line.

(3) "Commercial mobile radio service" means:

(a) a mobile service that is:

(i) provided for profit with the intent of receiving compensation or monetary gain;

(ii) an interconnected service; and

(iii) available to the public or to classes of eligible users so as to be effectively available to a substantial portion of the public; or

(b) a mobile service that is the functional equivalent of a mobile service described in subsection (3)(a).

(4) “Department” means the department of ~~administration~~ *justice* provided for in Title 2, chapter 15, part ~~10~~ *20*.

(5) “Emergency communications” means any form of communication requesting any type of emergency services by contacting a public safety answering point through a 9-1-1 system, including voice, nonvoice, or video communications, as well as transmission of any text message or analog digital data.

(6) “Emergency services” means services provided by a public or private safety agency, including law enforcement, firefighting, ambulance or medical services, and civil defense services.

(7) “Exchange access services” means:

(a) telephone exchange access lines or channels that provide local access from the premises of a subscriber in this state to the local telecommunications network to effect the transfer of information; and

(b) unless a separate tariff rate is charged for the exchange access lines or channels, a facility or service provided in connection with the services described in subsection (7)(a).

(8) “Interconnected voice over IP service” means a service that:

(a) enables real-time, two-way voice communications;

(b) requires a broadband connection from a user’s location;

(c) requires IP-compatible customer premises equipment; and

(d) permits users generally to receive calls that originate on the public switched telephone network and to terminate calls to the public switched telephone network.

(9) “IP” means internet protocol, or the method by which data are sent on the internet, or a communications protocol for computers connected to a network, especially the internet.

(10) “Local government” has the meaning provided in 7-11-1002.

(11) “Next-generation 9-1-1” means a system composed of hardware, software, data, and operational policies and procedures that:

(a) provides standardized interfaces from call and message services;

(b) processes all types of emergency calls, including nonvoice or multimedia messages;

(c) acquires and integrates additional data useful to emergency communications;

(d) delivers the emergency communications or messages, or both, and data to the appropriate public safety answering point and other appropriate emergency entities;

(e) supports data and communications needs for coordinated incident response and management; and

(f) provides a secure environment for emergency communications.

(12) “Originating service provider” means an entity that provides capability for a retail customer to initiate emergency communications.

(13) “Per capita basis” means a calculation made to allocate a monetary amount for each person residing within the jurisdictional boundary of a county according to the most recent decennial census compiled by the United States bureau of the census.

(14) “Private safety agency” means an entity, except a public safety agency, providing emergency fire, ambulance, or medical services.

(15) “Provider” means a public utility, a cooperative telephone company, a wireless provider, a provider of interconnected voice over IP service, a provider of exchange access services, or any other entity that provides access lines.

(16) "Public safety agency" means a functional division of a local or tribal government or the state that dispatches or provides law enforcement, firefighting, or emergency medical services or other emergency services.

(17) "Public safety answering point" means a communications facility operated on a 24-hour basis that first receives emergency communications from persons requesting emergency services and that may, as appropriate, directly dispatch emergency services or transfer or relay the emergency communications to appropriate public safety agencies.

(18) "Relay" means a 9-1-1 service in which a public safety answering point, upon receipt of a telephone request for emergency services, notes the pertinent information from the caller and relays the information to the appropriate public safety agency, other agencies, or other providers of emergency services for dispatch of an emergency unit.

(19) "Subscriber" means an end user who has an access line or who contracts with a wireless provider for commercial mobile radio services.

(20) "Transfer" means a service in which a public safety answering point, upon receipt of a telephone request for emergency services, directly transfers the request to an appropriate public safety agency or other emergency services provider.

(21) "Tribal government" has the meaning provided in 2-15-141.

(22) "Wireless provider" means an entity that is authorized by the federal communications commission to provide facilities-based commercial mobile radio service within this state."

Section 10. Section 10-4-105, MCA, is amended to read:

"10-4-105. 9-1-1 advisory council. (1) There is a 9-1-1 advisory council.

(2) The council consists of 18 members appointed by the governor as follows:

(a) ~~the director of the department or the director's attorney general or the attorney general's~~ designee, who serves as presiding officer of the council;

(b) a representative of the department of justice, Montana highway patrol;

(c) a representative of the Montana emergency medical services association;

(d) three representatives of Montana telecommunications providers, including at least one wireless provider;

(e) a representative of the Montana association of public safety communications officials;

(f) two public safety answering point managers, one serving a population of less than 30,000 and one serving a population of greater than 30,000;

(g) a representative of the department of military affairs, disaster and emergency services division;

(h) a representative of the Montana association of chiefs of police;

(i) a representative of the Montana sheriffs and peace officers association;

(j) a representative of the Montana state fire chiefs' association;

(k) a representative of the Montana state volunteer firefighters association;

(l) a representative of the Montana association of counties;

(m) a representative of the Montana league of cities and towns;

(n) the state librarian or the state librarian's designee; and

(o) the state director of Indian affairs provided for in 2-15-217.

(3) The council is attached to the department for administrative purposes only, as provided in 2-15-121.

(4) The council shall, within its authorized budget, hold quarterly meetings.

(5) Council members shall serve without additional salary but are entitled to reimbursement for travel expenses incurred while engaged in council activities as provided for in 2-18-501 through 2-18-503.”

Section 11. Section 10-4-304, MCA, is amended to read:

“10-4-304. Establishment of 9-1-1 accounts. (1) Beginning July 1, 2018, there is established in the state special revenue fund an account for fees collected for 9-1-1 services pursuant to 10-4-201.

(2) Funds in the account are statutorily appropriated to the department, as provided in 17-7-502. Except as provided in subsection (3), beginning July 1, 2018, funds that are not used for the administration of this chapter by the department *or used for public safety radio communications, if allowable*, are allocated as follows:

(a) 75% of the account must be deposited in an account for distribution to local and tribal government entities that host public safety answering points in accordance with 10-4-305 and with rules adopted by the department in accordance with 10-4-108; and

(b) 25% of the account must be deposited in an account for distribution in the form of grants to private telecommunications providers, local or tribal government entities that host public safety answering points, or both in accordance with 10-4-306.

(3) Beginning July 1, 2018, all money received by the department of revenue pursuant to 10-4-201 must be paid to the state treasurer for deposit in the appropriate account.

(4) The accounts established in subsections (1) and (2) retain interest earned from the investment of money in the accounts.”

Section 12. Section 44-7-204, MCA, is amended to read:

“44-7-204. Restriction on use of funds. Funds deposited in the domestic violence intervention account may be used only for the program authorized in 44-7-201 and the costs authorized under 44-7-203 and may not be used to pay the expenses of any other program or service administered in whole or in part by the Montana board of crime control or the department of ~~corrections~~ *justice*.”

Section 13. Section 46-23-1011, MCA, is amended to read:

“46-23-1011. Supervision on probation. (1) The department shall supervise probationers during their probation period, including supervision after release from imprisonment imposed pursuant to 45-5-503(4), 45-5-507(5), 45-5-601(3), 45-5-602(3), 45-5-603(2)(b), or 45-5-625(4), in accord with the conditions set by a sentencing judge. If the sentencing judge did not set conditions of probation at the time of sentencing, the court shall, at the request of the department, hold a hearing and set conditions of probation. The probationer must be present at the hearing. The probationer has the right to counsel as provided in chapter 8 of this title.

(2) If the probationer is being supervised for a sexual offense as defined in 46-23-502, the conditions of probation may require the probationer to refrain from direct or indirect contact with the victim of the offense or an immediate family member of the victim. If the victim or an immediate family member of the victim requests to the department that the probationer not contact the victim or immediate family member, the department shall request a hearing with a sentencing judge and recommend that the judge add the condition of probation. If the victim is a minor, a parent or guardian of the victim may make the request on the victim’s behalf.

(3) A copy of the conditions of probation must be signed by the probationer. The department may require a probationer to waive extradition for the probationer’s return to Montana.

(4) The probation and parole officer shall regularly advise and consult with the probationer using effective communication strategies and other evidence-based practices to encourage the probationer to improve the probationer's condition and conduct and shall inform the probationer of the restoration of rights on successful completion of the sentence.

(5) (a) The probation and parole officer may recommend and a judge may modify or add any condition of probation or suspension of sentence at any time.

(b) The probation and parole officer shall provide the county attorney in the sentencing jurisdiction with a report that identifies the conditions of probation and the reason why the officer believes that the judge should modify or add the conditions.

(c) The county attorney may file a petition requesting that the court modify or add conditions as requested by the probation and parole officer.

(d) The court may grant the petition if the probationer does not object. If the probationer objects to the petition, the court shall hold a hearing pursuant to the provisions of 46-18-203.

(e) Except as they apply to supervision after release from imprisonment imposed pursuant to 45-5-503(4), 45-5-507(5), 45-5-601(3), 45-5-602(3), 45-5-603(2)(b), or 45-5-625(4), the provisions of 46-18-203(7)(a)(ii) do not apply to this section.

(f) The probationer shall sign a copy of new or modified conditions of probation. The court may waive or modify a condition of restitution only as provided in 46-18-246.

(6) Based on the risk and needs of each individual as determined by the individual's most recent risk and needs assessment, the probation and parole officer shall ~~recommend~~ *notify the probationer of eligibility for* conditional discharge from supervision when a probationer is in compliance with the conditions of supervision when:

~~(a) a low-risk probationer has served 9 months;~~

~~(b) a moderate-risk probationer has served 12 months;~~

~~(c) a medium-risk probationer has served 18 months; and~~

~~(d) a high-risk probationer has served 24 months.~~

(a) under the women's risks and needs assessment:

(i) a low-risk probationer has served 9 months;

(ii) a moderate-risk probationer has served 12 months;

(iii) a medium-risk probationer has served 18 months; and

(iv) a high-risk probationer has served 24 months; and

(b) under the Montana offender reentry and risk assessment:

(i) a low-risk probationer has served 9 months;

(ii) a moderate-risk probationer has served 12 months;

(iii) a high-risk probationer has served 18 months; and

(iv) a very high-risk probationer has served 24 months.

(7) The probationer, the probationer's attorney, or the prosecutor may file a motion recommending conditional discharge. The motion must set forth the following:

(a) why the probationer meets the requirements of subsection (6); and

(b) whether the department of corrections supports or opposes the motion.

(8) The motion must be served on the county attorney serving in the county of the presiding district court. The movant does not need to file an accompanying brief as otherwise required by Rule 2 of the Montana Uniform District Court Rules.

(9) The department of corrections shall make reasonable efforts to notify the victim if required by 46-24-212, and the county attorney shall

make reasonable efforts to notify the victim. The victim must be provided the following:

- (a) a copy of the motion;
- (b) written notice that:
 - (i) the victim may provide written input regarding the motion or may ask the county attorney to state the victim's position on the motion;
 - (ii) if a hearing is set, the date, time, and place of the hearing; and
 - (iii) the victim may appear and testify at any hearing held on the motion.
- (10) (a) The court may hold a hearing on the motion. A judge may conditionally discharge a probationer from supervision before expiration of the probationer's sentence if:
 - (i) the judge determines that a conditional discharge from supervision:
 - (A) is in the best interests of the probationer and society; and
 - (B) will not present unreasonable risk of danger to the victim of the offense; and
 - (ii) the offender has paid all restitution and court-ordered financial obligations in full.

(b) Subsection (10)(a) does not prohibit a judge from revoking the order suspending execution or deferring imposition of sentence, as provided in 46-18-203, for a probationer who has been conditionally discharged from supervision."

Section 14. Section 61-3-103, MCA, is amended to read:

"61-3-103. Filing of security interests – perfection – rights – procedure – fees. (1) (a) Except as provided in subsection (2), the department, its authorized agent, or a county treasurer shall, upon payment of the fee required by subsection (8), enter a voluntary security interest or lien against the electronic record of title for a motor vehicle, trailer, semitrailer, pole trailer, camper, motorboat, personal watercraft, sailboat, or snowmobile upon receipt of a written acknowledgment of a voluntary security interest or lien by the owner of a motor vehicle, trailer, semitrailer, pole trailer, camper, motorboat, personal watercraft, sailboat, or snowmobile on a form prescribed by the department.

(b) After the voluntary security interest or lien has been entered on the electronic record of title for the motor vehicle, trailer, semitrailer, pole trailer, camper, motorboat, personal watercraft, sailboat, or snowmobile, the department, its authorized agent, or a county treasurer shall issue a transaction summary receipt to the owner and, if requested, to the secured party or lienholder, showing the date that the security interest or lien was perfected.

(c) A voluntary security interest or lien is perfected on the date that the department, its authorized agent, or a county treasurer receives the written acknowledgment of the voluntary security interest or lien from the owner of the motor vehicle, trailer, semitrailer, pole trailer, camper, motorboat, personal watercraft, sailboat, or snowmobile.

(d) Except as provided in subsection (3), when a person applying for a certificate of title requests issuance of a certificate of title under 61-3-201, the department shall record the voluntary security interest or lien on the face of a certificate of title.

(2) A security interest in a motor vehicle, trailer, semitrailer, pole trailer, camper, motorboat, personal watercraft, sailboat, or snowmobile held as inventory by a dealer licensed under Title 23, chapter 2, part 5, 6, or 8, or chapter 4 of this title must be perfected in accordance with Title 30, chapter 9A.

(3) Whenever a security interest or lien is filed against the electronic record of title for a motor vehicle, trailer, semitrailer, pole trailer, camper, motorboat, personal watercraft, sailboat, or snowmobile that is subject to two security interests previously perfected under this section and the applicant has requested issuance of a certificate of title under 61-3-201, the department shall endorse on the face of the certificate of title, "NOTICE. This vehicle is subject to additional security interests on file with the Department of Justice." Other information regarding the additional security interests is not required to be endorsed on the certificate.

(4) Upon default under a chattel mortgage or conditional sales contract covering a motor vehicle, trailer, semitrailer, pole trailer, camper, motorboat, personal watercraft, sailboat, or snowmobile, the mortgagee or vendor has the same remedies as in the case of other personal property. In case of attachment of motor vehicles, trailers, semitrailers, pole trailers, campers, motorboats, personal watercraft, sailboats, or snowmobiles, all the provisions of 27-18-413, 27-18-414, and 27-18-804 are applicable except that deposits must be made with the department.

(5) A secured party or lienholder who has a perfected security interest in a motor vehicle, trailer, semitrailer, pole trailer, camper, motorboat, personal watercraft, sailboat, or snowmobile and who fails to file a satisfaction of the security interest or lien within 21 days after receiving final payment is required to pay the department \$25 for each day that the secured party or lienholder fails to file the satisfaction.

(6) Within 24 hours after receiving notice of any involuntary liens or attachments against the record of any motor vehicle, trailer, semitrailer, pole trailer, camper, motorboat, personal watercraft, sailboat, or snowmobile registered in this state, the department shall mail to the owner or any secured party or lienholder of record a notice showing the name and address of the lien claimant, the amount of the lien, the date of execution of the lien, and, in the case of attachment, the full title of the court and the action and the names of the attorneys for the plaintiff and attaching creditor.

(7) (a) This section does not prevent a secured party or lienholder from assigning the secured party's or lienholder's interest in a motor vehicle, trailer, semitrailer, pole trailer, camper, motorboat, personal watercraft, sailboat, or snowmobile, for which a certificate of title is issued under this chapter, to any other person without the consent of and without affecting the interest of the holder of the certificate of title.

(b) If a secured party assigns all or part of the party's interest in a motor vehicle, trailer, semitrailer, pole trailer, camper, motorboat, personal watercraft, sailboat, or snowmobile for which a certificate of title is issued under this chapter, the secured party assigning the interest shall file a copy of the assignment with the department and the department shall record the assignment in the department's records.

(8) (a) A fee must be paid to the department to file any security interest or other lien against a motor vehicle, trailer, semitrailer, pole trailer, camper, motorboat, personal watercraft, sailboat, or snowmobile. The fee covers the cost of entering and, upon the subsequent satisfaction or release, of removing the security interest or lien from the electronic record of title.

(b) ~~Beginning January 1, 2002, and ending June 30, 2019, the~~ *The fee to file a lien* is \$8. Of the \$8 fee, \$4 must be deposited in the state general fund in accordance with 15-1-504. The remaining \$4 must be forwarded to the state for deposit in the motor vehicle information technology system account provided for in 61-3-550.

~~(c) Beginning July 1, 2019, the fee is \$4 and must be deposited in the state general fund.~~

(9) (a) Until June 30, ~~2026~~ 2034, a fee of \$10 must be paid to the department by a vehicle owner if, following satisfaction or release of a security interest and its removal from the department's records, the motor vehicle, trailer, semitrailer, pole trailer, camper, motorboat, personal watercraft, sailboat, or snowmobile owner requests issuance of a new certificate of title without the security interest or lien shown on the face of the title. Beginning July 1, ~~2026~~ 2034, the fee for a new certificate of title under this subsection is \$5.

(b) Until June 30, ~~2026~~ 2034, the fee must be deposited in the motor vehicle information technology system account provided for in 61-3-550.

(c) Beginning July 1, ~~2026~~ 2034, the \$5 fee must be deposited in the state general fund."

Section 15. Section 61-3-109, MCA, is amended to read:

"61-3-109. Electronic title, lien filing, and registration. (1) The department shall develop and implement a pilot program to allow:

(a) electronic transmission of data by an authorized agent, a county treasurer, or a person to or from the department in lieu of the transmission of paper documents;

(b) substantiation of electronic record transactions performed by the department, an authorized agent, a county treasurer, or a person;

(c) the production and certification by a court or an authorized agent of a motor vehicle record generated from electronic records of title and registration maintained by the department;

(d) electronic filing, perfection, and release of security interests or liens of record;

(e) certification and audit by the department of its authorized agents; and

(f) expedited title services for customers with exceptional needs who are willing to pay an optional fee prescribed by the department by rule.

(2) Money collected from the fee imposed under subsection (1)(f) must be deposited in the ~~highway nonrestricted motor vehicle information technology system account provided for in 15-70-125~~ 61-3-550."

Section 16. Section 61-3-203, MCA, is amended to read:

"61-3-203. Fee for original certificate of title -- disposition. (1) Until June 30, ~~2026~~ 2028, a person applying for a certificate of title shall pay the department, its authorized agent, or a county treasurer a fee of:

(a) \$10 if the vehicle for which a certificate of title is sought is not a light vehicle or a truck or bus that weighs 1 ton or less; or

(b) \$12 if the vehicle for which application is made is a light vehicle or a truck or bus that weighs 1 ton or less.

(2) The amount of \$5 of the fee imposed pursuant to subsection (1) must be forwarded to the department for deposit in the motor vehicle information technology system account provided for in 61-3-550, and the remaining amount must be deposited in the state general fund.

(3) *For expedited certificates of title, which may only be issued by the Montana motor vehicle division, the entirety of the fee imposed pursuant to subsection (1) must be deposited into the motor vehicle information technology system account provided for in 61-3-550.*

(4) Beginning July 1, ~~2026~~ 2028, the fee imposed in subsection (1)(a) is \$5 and the fee imposed in subsection (1)(b) is \$7 and all fees paid pursuant to this section must be deposited in the state general fund."

Section 17. Section 61-5-111, MCA, is amended to read:

“61-5-111. Contents of driver’s license, renewal, license expirations, license replacements, grace period, and fees for licenses, permits, and endorsements – notice of expiration. (1) (a) The department may appoint county treasurers and other qualified officers to act as its agents for the sale of driver’s license receipts. In areas in which the department provides driver licensing services 3 days or more a week, the department is responsible for sale of receipts and may appoint an agent to sell receipts.

(b) The department may enter into an authorized agent agreement with the county treasurer of any county in which the department no longer maintains a driver examination station for the purpose of providing driver’s license renewal services.

(2) (a) The department, upon receipt of payment of the fees specified in this section, shall issue a driver’s license to each qualifying applicant. The license must contain:

(i) a full-face photograph of the licensee in the size and form prescribed by the department;

(ii) a distinguishing number issued to the licensee;

(iii) the full legal name, date of birth, and Montana residence address unless the licensee requests use of the mailing address, except that the Montana residence address must be used for a REAL ID-compliant driver’s license unless authorized by department rule;

(iv) a brief description of the licensee;

(v) either the licensee’s customary manual signature or a reproduction of the licensee’s customary manual signature; and

(vi) if the applicant qualifies under subsection (7), indication of the applicant’s status as a veteran.

(b) The department may not use the licensee’s social security number as the distinguishing number. A license is not valid until it is signed by the licensee.

(3) (a) When a person applies for renewal of a driver’s license, the department shall conduct a records check in accordance with 61-5-110(1) to determine the applicant’s eligibility status and shall test the applicant’s eyesight. The department may also require the applicant to submit to a knowledge and road or skills test if:

(i) the renewal applicant has a physical or mental disability, limitation, or condition that impairs, or may impair, the applicant’s ability to exercise ordinary and reasonable control in the safe operation of a motor vehicle on the highway; and

(ii) the expired or expiring license does not include adaptive equipment or operational restrictions appropriate to the applicant’s functional abilities; or

(iii) the applicant wants to remove or modify the restrictions stated on the expired or expiring license.

(b) In the case of a commercial driver’s license, the department shall, if the information was not provided in a prior licensing cycle, require the renewal applicant to provide the name of each jurisdiction in which the applicant was previously licensed to drive any type of motor vehicle during the 10-year period immediately preceding the date of the renewal application and may also require that the applicant successfully complete a written examination as required by federal regulations.

(c) A person is considered to have applied for renewal of a Montana driver’s license if the application is made within 6 months before or 3 months after the expiration of the person’s license, *or if the person has applied for a REAL ID-compliant driver’s license pursuant to 61-5-129.* Except as provided

in subsection (3)(d), a person seeking to renew a driver's license shall appear in person at a Montana driver's examination station.

(d) (i) Except as provided in subsections (3)(d)(iii) through (3)(d)(vi), a person may renew a driver's license by mail or online.

(ii) An applicant who renews a driver's license by mail or online shall submit to the department an approved vision examination and a medical evaluation from a licensed physician, licensed physician assistant, or advanced practice registered nurse, as defined in 37-8-102, in addition to the fees required for renewal.

(iii) If the department does not have a digitized photograph and signature record of the renewal applicant from the expiring license, then the renewal applicant shall apply in person.

(iv) Except as provided in subsections (4)(b) and (4)(c), the term of a license renewed by mail or online is 8 years.

(v) The department may not renew a license by mail or online if:

(A) the records check conducted in accordance with 61-5-110(1) shows an ineligible license status for the applicant;

(B) the applicant holds a commercial driver's license with a hazardous materials endorsement, the retention of which requires additional testing and a security threat assessment under 49 CFR, part 1572;

(C) the applicant seeks a change of address, a change of date of birth, or a name change; or

(D) the applicant's license:

(I) has been expired for 3 months or longer; or

(II) except as provided in subsection (3)(e), was renewed by mail or online at the time of the applicant's previous renewal.

(vi) If a license was issued to a foreign national whose presence in the United States is temporarily authorized under federal law, the license may not be renewed by mail or online.

(e) The spouse or a dependent of a renewal applicant who is stationed outside Montana on active military duty may renew the applicant's license by mail or online for one additional consecutive term following a renewal by mail or online.

(f) The department shall send electronically or mail a driver's license renewal notice no earlier than 120 days and no later than 30 days prior to the expiration date of a driver's license. The department shall send the notice to the licensee's Montana mailing address shown on the driver's license or, if requested by the licensee, provide the notice using an authorized method of electronic delivery, or both.

(4) (a) Except as provided in subsections (4)(b) through (4)(e), a license expires on the anniversary of the licensee's birthday 8 years or less after the date of issue or on the licensee's 75th birthday, whichever occurs first.

(b) A license issued to a person who is 75 years of age or older expires on the anniversary of the licensee's birthday 4 years or less after the date of issue.

(c) A license issued to a person who is under 21 years of age expires on the licensee's 21st birthday.

(d) (i) Except as provided in subsection (4)(d)(ii), a commercial driver's license expires on the anniversary of the licensee's birthday 4 years or less after the date of issue.

(ii) When a person obtains a Montana commercial driver's license with a hazardous materials endorsement after surrendering a comparable commercial driver's license with a hazardous materials endorsement from another licensing jurisdiction, the license expires on the anniversary of the licensee's birthday 4 years or less after the date of the issue of the surrendered

license if, as reported in the commercial driver's license information system, a security threat assessment was performed on the person as a condition of issuance of the surrendered license.

(e) A license issued to a person who is a foreign national whose presence in the United States is temporarily authorized under federal law expires, as determined by the department, no later than the expiration date of the official document issued to the person by the bureau of citizenship and immigration services of the department of homeland security authorizing the person's presence in the United States.

(5) When the department issues a driver's license to a person under 18 years of age, the license must be clearly marked with a notation that conveys the restrictions imposed under 61-5-133.

(6) (a) Upon application for a driver's license or commercial driver's license and any combination of the specified endorsements, the following fees must be paid:

(i) driver's license, except a commercial driver's license -- \$5 a year or fraction of a year;

(ii) motorcycle endorsement -- 50 cents a year or fraction of a year;

(iii) commercial driver's license:

(A) interstate -- \$10 a year or fraction of a year; or

(B) intrastate -- \$8.50 a year or fraction of a year.

(b) A renewal notice for either a driver's license or a commercial driver's license is 50 cents.

(7) (a) Upon receiving a request from a person whose status as a veteran has been verified by the department of military affairs pursuant to 10-2-1301 and upon receiving the information and fees required in this part, the department shall include the word "veteran" on the face of the license.

(b) After a person's status as a veteran is denoted on a driver's license, the department may not require further documentation of that status from the holder of the license upon subsequent renewal or replacement.

(8) (a) Except as provided in subsection (8)(b), an applicant may request a replacement driver's license online or by mail.

(b) If the department does not have a digitized photograph and signature record of the applicant, the applicant shall apply in person.

(c) The term of the replacement license must be the term of the applicant's current driver's license.

(9) (a) An applicant may request an expedited delivery service for a driver's license or identification card. The department shall set a fee for expedited delivery based on the cost of providing this service.

(b) The fees for expedited delivery must be deposited in the motor vehicle division administration account established in 61-3-112 and used for the purposes of expediting delivery, including actual costs for delivery, personnel, and related technology."

Section 18. Section 61-5-129, MCA, is amended to read:

"61-5-129. (Temporary) REAL ID-compliant driver's license or identification card – voluntary application. (1) The department shall issue a Montana driver's license or identification card that complies with the requirements of the federal REAL ID Act of 2005, Public Law 109-13, to each qualifying applicant.

(2) (a) When required to obtain a Montana driver's license or identification card, a person may choose to apply for either a standard driver's license or identification card, or for a REAL ID-compliant driver's license or REAL ID-compliant identification card.

(b) A person may not hold a valid standard driver's license or identification card and a valid REAL ID-compliant driver's license or identification card at the same time.

(3) (a) A REAL ID-compliant driver's license issued pursuant to this section is subject to the other requirements of obtaining, renewing, and using a standard driver's license issued pursuant to this chapter.

(b) A REAL ID-compliant identification card issued pursuant to this section is subject to the other requirements of obtaining, renewing, and using a standard identification card issued pursuant to Title 61, chapter 12, part 5, and this chapter.

(4) (a) In addition to the fees charged to apply for or renew a standard driver's license under 61-5-111(6) and the fees charged to apply for a standard identification card under 61-12-504, the department may charge the following additional fees:

(i) for a person who is applying for a REAL ID-compliant driver's license or identification card during *or prior* to a renewal period specified in 61-5-111(3)(c), the additional fee is \$25; *and*

~~(ii) for a person who is applying for a REAL ID-compliant driver's license or identification card prior to the renewal period specified in 61-5-111(3)(c), the additional fee is \$50; and~~

~~(iii)~~(ii) for a person who renews a standard driver's license or a standard identification card under 61-5-111(3)(c) between June 1, 2017, through December 31, 2017, and is applying for a REAL ID-compliant driver's license or identification card between January 1, 2018, and June 30, 2018, the additional fee is \$25.

(b) The fees collected under this subsection (4) must be deposited in the state special revenue fund to be used to fund the equipment and staffing necessary to provide REAL ID-compliant driver's licenses and identification cards. (Void on occurrence of contingency--sec. 8, Ch. 443, L. 2017.)"

Section 19. Section 23, Chapter 456, Laws of 2019, is amended to read:

"Section 23. Termination. [Sections 3 and 4] terminate June 30, ~~2021~~ 2023."

Section 20. Transfer of funds. By August 15, 2021, the department of justice shall transfer \$354,901 in state special revenue from the account provided for in 30-14-143 to the state special revenue account provided for in 46-1-1115. The transfer shall utilize the proceeds from the settlement in *State of Montana v. McKinsey & Company, Inc.*, DDV 2021-107 (1st Judicial District), and the final consent judgment ordered on February 5, 2021.

Section 21. Effective dates. (1) Except as provided in subsection (2), [this act] is effective July 1, 2021.

(2) [Sections 19 and 21] are effective June 30, 2021.

Approved May 14, 2021

CHAPTER NO. 567

[HB 704]

AN ACT CREATING A SPECIAL RAFFLE OR LOTTERY GAME FOR THE BENEFIT OF THE BOARD OF HORSERACING; ALLOWING THE STATE LOTTERY COMMISSION TO ESTABLISH AN ANNUAL SPECIAL RAFFLE OR LOTTERY; GIVING THE COMMISSION AUTHORITY TO TRANSFER PROCEEDS TO THE BOARD OF HORSERACING; PROVIDING RULEMAKING AUTHORITY; AND AMENDING SECTION 23-4-105, MCA.

WHEREAS, it is the intent of this act to authorize the state lottery commission to conduct a game that is similar to its existing Montana Millionaire game for the purpose of assisting and promoting live horseracing in this state; and

WHEREAS, it is the intent of this act to use the state lottery's resources to promote live horseracing in this state in the promotion of this game; and

WHEREAS, nothing in this bill should interfere with any existing game conducted by the state lottery commission, including the Montana Millionaire game.

Be it enacted by the Legislature of the State of Montana:

Section 1. Montana millions raffle or lottery game – proceeds transferred to the board of horseracing – rulemaking. (1) The commission shall by rule determine a special raffle or lottery game to maximize the net revenue paid to the state special revenue account statutorily appropriated to the Montana board of horseracing account under 23-4-105.

(2) After paying for costs by the commission and prizes, the commission shall transfer 50% of net revenue from the special raffle or lottery game tickets to the special revenue account in 23-4-105 administered by board of horseracing and used to promote live horseracing in this state.

(3) The lottery shall cooperate with the board of horseracing and promote live horseracing, including but not limited to posting dates of live horseraces, as part of the marketing of the special raffle or lottery game.

(4) The special raffle or lottery game is subject to the provisions of this chapter.

Section 2. Section 23-4-105, MCA, is amended to read:

“23-4-105. Authority of board. (1) The board shall license and regulate racing, match bronc rides, and wild horse rides and review race meets held in this state under this chapter. All percentages withheld from amounts wagered, amounts set aside pursuant to 23-4-202(4)(d), percentages collected pursuant to 23-4-204(3), percentages collected pursuant to 23-4-302(3) and (5)(b), and money collected pursuant to 23-4-304(1)(a) and (1)(b), and money received from the state lottery and sports wagering commission pursuant to [section 1] must be deposited in a state special revenue account and are statutorily appropriated to the board as provided in 17-7-502. The board shall then distribute all funds collected under 23-4-202(4)(d), 23-4-204(3), 23-4-302(3) and (5)(b), and 23-4-304(1)(a) and (1)(b) to live race purses or for other purposes for the good of the existing horseracing industry. If the board decides to authorize new forms of racing, including new forms of simulcast racing, not currently authorized in Montana, the board shall do so after holding public hearings to determine the effects of these forms of racing on the existing saddle racing program in Montana. The board shall consider both the economic and safety impacts on the existing racing and breeding industry.

(2) Funds retained by the board in a state special revenue fund pursuant to 23-4-302(1) and (4) are statutorily appropriated to the board as provided in 17-7-502 for the operation of a simulcast parimutuel network and for other purposes that the board considers appropriate for the good of the existing horseracing industry.”

Section 3. Codification instruction. [Section 1] is intended to be codified as an integral part of Title 23, chapter 7, part 3, and the provisions of Title 23, chapter 7, part 3, apply to [section 1].

Approved May 14, 2021

CHAPTER NO. 568

[HB 705]

AN ACT GENERALLY REVISING ALCOHOL AND GAMBLING LAWS; REVISING LAWS RELATED TO ALCOHOL AND GAMBLING LICENSING; REVISING LAWS RELATING TO SUITABLE PREMISES FOR LICENSED RETAIL ESTABLISHMENTS; REVISING LAWS RELATING TO RESORT ALL-BEVERAGES LICENSES; REVISING LAWS APPLYING TO LOANS AND FINANCING BY LICENSEES; REVISING LAWS RELATING TO CONCESSION AGREEMENTS; REVISING LAWS RELATING TO BUSINESS OWNERSHIP INTERESTS; REVISING LAWS RELATED TO BOTTLE CLUBS; REVISING LAWS RELATED TO PREMISES SUITABILITY; REVISING LAWS RELATED TO SEATING AND VIDEO GAMBLING MACHINES; PROVIDING RULEMAKING AUTHORITY; AMENDING SECTIONS 16-3-218, 16-3-301, 16-3-311, 16-4-213, 16-4-401, 16-4-406, 16-4-414, 16-4-415, 16-6-306, AND 23-5-117, MCA; AND PROVIDING EFFECTIVE DATES.

Be it enacted by the Legislature of the State of Montana:

Section 1. Section 16-3-218, MCA, is amended to read:

“16-3-218. “Distribute” defined. As used in 16-3-219, 16-3-220, 16-4-103, and 16-4-108, “distribute” means to deliver beer or wine to a retailer’s premises licensed to sell beer, table wine, or sacramental wine *as well as an alternate alcoholic beverage storage facility as allowed in 16-4-213(8).*”

Section 2. Section 16-3-301, MCA, is amended to read:

“16-3-301. Unlawful purchases, transfers, sales, or deliveries – presumption of legal age. (1) It is unlawful for a licensed retailer to purchase or acquire beer or wine from anyone except a brewery, winery, or wholesaler licensed under the provisions of this code *except as allowed in 16-4-213(8).*

(2) It is unlawful for a licensed retailer to transport beer or wine from one licensed premises or other facility to any other licensed premises owned by the licensee *except as allowed in 16-4-213(8).*

(3) *It is unlawful for a licensed retailer to purchase or acquire liquor from anyone except an agency liquor store except as allowed in 16-4-213(8).*

~~(3)~~(4) It is unlawful for a licensed wholesaler to purchase beer or wine from anyone except a brewery, winery, or wholesaler licensed or registered under this code.

~~(4)~~(5) It is unlawful for any licensee, a licensee’s employee, or any other person to sell, deliver, or give away or cause or permit to be sold, delivered, or given away any alcoholic beverage to:

(a) any person under 21 years of age; or

(b) any person actually, apparently, or obviously intoxicated.

~~(5)~~(6) Any person under 21 years of age or any other person who knowingly misrepresents the person’s qualifications for the purpose of obtaining an alcoholic beverage from the licensee is equally guilty with the licensee and, upon conviction, is subject to the penalty provided in 45-5-624. However, nothing in this section may be construed as authorizing or permitting the sale of an alcoholic beverage to any person in violation of any federal law.

~~(6)~~(7) All licensees shall display in a prominent place in their premises a placard, issued by the department, stating fully the consequences for violations of the provisions of this code by persons under 21 years of age.

~~(7)~~(8) For purposes of 45-5-623 and this title, the establishment of the following facts by a person making a sale of alcoholic beverages to a person

under the legal age constitutes prima facie evidence of innocence and a defense to a prosecution for sale of alcoholic beverages to a person under the legal age:

(a) the purchaser falsely represented and supported with documentary evidence that an ordinary and prudent person would accept that the purchaser was of legal age to purchase alcoholic beverages;

(b) the appearance of the purchaser was such that an ordinary and prudent person would believe the purchaser to be of legal age to purchase alcoholic beverages; and

(c) the sale was made in good faith and in reasonable reliance upon the representation and appearance of the purchaser that the purchaser was of legal age to purchase alcoholic beverages. (See compiler's comments for contingent termination of certain text.)"

Section 3. Section 16-3-311, MCA, is amended to read:

"16-3-311. Suitable premises for licensed retail establishments.

(1) (a) A licensed retailer may use a part of a building as premises licensed for on-premises consumption of alcoholic beverages. *The licensed retailer must demonstrate that it has adequate control over all alcoholic beverages to prevent self-service, service to underage persons, and service to persons who are actually or apparently intoxicated.* The premises must be separated from the rest of the building by permanent walls but may have inside access ~~during lawful hours of operation~~ to the rest of the building *at all times* even if the businesses or uses in the other part of the building are unrelated to the operation of the premises in which the alcoholic beverages are served. *If the premises are located in a portion of a building, the licensed retailer must be able to demonstrate that there are adequate safeguards in place to prevent public access to alcoholic beverages after hours, either by the presence of a lockable door or other security features such as rolling gates, locking cabinets, tap locks, or key card access.*

(b) A resort retail all-beverages licensee or a retail all-beverages licensee within the boundaries of a resort area may also utilize an alternate alcoholic beverage storage facility as allowed in 16-4-213(8).

(2) A licensee may alter the approved floorplan of the premises. *The alteration must be consistent with the requirements of subsection (1)(a). A licensee shall provide a copy of the revised floorplan with the proposed alteration for the licensed premises to the department within 7 days of beginning the alteration. Department approval may not be unreasonably withheld. whose premises did not meet the requirements of this section on September 24, 1992, shall meet the requirements when an alteration to the premises has been completed and the department has approved the alteration. If the completed alteration differs from the approved alteration due to modifications required for approval by other state or local government entities, such as compliance with fire or building codes, the department must be notified, but preapproval is not required for these modifications. An alteration for the purposes of this section is any structural change in a premises that does not increase the square footage of the existing approved premises. An alteration that increases the square footage of the existing approved premises must be approved by the department prior to beginning the alteration. A cosmetic change, such as painting, carpeting, or other interior decorating, is not considered an alteration under this section.*

(3) *The interior portion of the licensed premises must be a continuous area that is under the control of the licensee and not interrupted by any area in which the licensee does not have adequate control, and includes multiple floors on the premises and common areas necessarily shared by multiple building tenants in order to allow patrons to access other tenant businesses or private dwellings in the same building, including but not limited to entryways, hallways, stairwells, and elevators.*

(4) *The premises may include one or more exterior patios or decks as long as sufficient physical safeguards are in place to ensure proper service and consumption of alcoholic beverages. An additional perimeter barrier may not be required if an existing boundary naturally defines the outdoor service area and impedes foot traffic.*

(5) *Premises suitability does not include a minimum number of seats.*

(6) *A licensed retailer may apply to the department to have a noncontiguous storage area that is under the control of the licensed retailer approved for onsite alcoholic beverage storage separate from its service area as long as the licensed retailer demonstrates that there are adequate safeguards in place to prevent public access to alcoholic beverages after hours, either by the presence of a lockable door or other security features such as rolling gates, locking cabinets, tap locks, or key card access. The application fee is \$100.*

(7) *A licensed retailer operating within a hotel or similar short-term lodging facility may apply to the department to allow for the delivery of alcoholic beverages to guests of accommodation units and the prestocking of alcoholic beverages in accommodation units is allowed for the accommodation units within the property as long as the purchaser's age is verified and there are adequate safeguards in place to prevent underage service. The application fee is \$100."*

Section 4. Section 16-4-213, MCA, is amended to read:

"16-4-213. Resort retail all-beverages licenses. (1) After a resort area has been approved, applications may be filed with the department for the issuance of resort retail all-beverages licenses within the resort area.

(2) (a) Except as provided in subsections (2)(b) and (2)(c), the department may issue one resort retail all-beverages license for the first 100 accommodation units and an additional license for each additional 50 accommodation units within an approved resort area as long as the recreational facilities under 16-4-212 have also been completed.

(b) For a resort area with a perimeter containing at least 1,000 contiguous acres that has a current actual valuation of completed recreational facilities, including land and improvements, of not less than \$30 million, the department may issue up to 10 resort retail all-beverages licenses regardless of the number of accommodation units.

(c) A resort area designation application to the department that received approval prior to January 1, 1999, is entitled to the issuance of one resort retail all-beverages license for a \$20,000 license fee. Any additional resort retail all-beverages licenses issued to a resort area under this subsection (2)(c) must meet the accommodation unit requirement in subsection (2)(a) of this section and pay the license fee and renewal fees as provided in 16-4-501.

(d) (i) For purposes of this code, "accommodation unit" means a unit that is available for short-term guest rental and includes:

(i)(A) a single-family home;

(ii)(B) a single unit of an apartment, condominium, or multiplex;

(iii)(C) a single room of a hotel or motel; or

(iv)(D) similar living space for occupants making up a single household. A

space under this subsection (2)(d)(iv) (2)(d)(i)(D) must be distinctly separated from other living spaces within the building and have its own sleeping, bath, and toilet facilities.

(ii) *In order to qualify toward the required total for the purposes of subsection (2)(a), accommodation units may not be located within the boundaries of a quota area as provided in 16-4-201(1) or (2) as of the date of submission for a resort retail all-beverages license.*

(3) Regardless of how many resort area all-beverages licenses are issued in a resort area, no more than 20 gambling machine permits may be issued for the resort area.

(4) A resort retail all-beverages license within the resort area:

(a) is subject to all other requirements of an all-beverages license in this code, *except*:

(i) *for the purposes of premises suitability under 16-3-311, a licensed retailer may use a part of the building as a licensed premises for the consumption of alcoholic beverages on the premises. The premises must be separated from the rest of the building by permanent walls but may have inside access to the rest of the building at all times even if the businesses or uses in the other part of the building are unrelated to the operation of the premises in which alcoholic beverages are served. If the premises are located in a portion of a building, the licensed retailer must be able to demonstrate that there are adequate safeguards in place to prevent public access to alcoholic beverages after hours, either by the presence of a lockable door or other security features such as rolling gates, locking cabinets, tap locks, or key card access;*

(ii) *the interior portion of the licensed premises must be a continuous area that is under the control of the licensee and not interrupted by any area in which the licensee does not have adequate control, and includes multiple floors on the premises and common areas necessarily shared by multiple building tenants in order to allow patrons to access other tenant businesses or private dwellings in the same building, including but not limited to entryways, hallways, stairwells, and elevators; and*

(iii) *the premises may include one or more exterior patios or decks as long as sufficient physical safeguards are in place to ensure proper service and consumption of alcoholic beverages. An additional perimeter barrier may not be required if an existing boundary naturally defines the outdoor service area and impedes foot traffic.;*

(b) is not subject to the quota limitations set forth in 16-4-201; and

(c) is transferable to another location within the boundaries of the resort area or to another owner to be used at a location within the boundaries of the resort area.

(5) For licenses issued under this section, *a licensee may apply to the department to allow for the delivery of alcohol to guests of accommodation units and the prestocking of alcoholic beverages in accommodation units is allowed to the accommodation units on within the designated resort area property as long as the purchaser is present, the purchaser's age is verified, and the purchaser is not intoxicated. The application fee is \$100.*

(6) Employees of the resort licensee who sell, serve, or deliver alcohol must be trained as provided in 16-4-1005.

(7) *A resort retail all-beverages licensee whose premises is located outside of a quota area as defined in 16-4-201(1) or (2) may enter into a maximum of one concession agreement per license with an unlicensed entity to serve alcoholic beverages. The provisions of 16-4-418 apply.*

(8) *If a resort area has two or more resort retail all-beverage licenses or retail all-beverages licenses within the boundaries of the resort, the licensees may also apply to use a resort alternate alcoholic beverage storage facility to be located within the resort area. The application fee is \$100. The alternate storage facility will be considered part of each licensee's existing licensed premises, though it does not need to be contiguous to qualify for approval. The licensees using the alternate storage facility must meet all requirements to ensure the secure storage of alcoholic beverages and prevent on-site consumption of alcoholic beverages. Alcoholic beverages in sealed containers belonging to multiple licensees within*

the resort area may be stored in the same storage facility. A resort retail licensee or retail licensee who is approved to use the alternate storage facility may accept delivery of alcoholic beverages at the alternate storage facility and may transfer alcoholic beverages to another licensee approved to use the alternate storage facility. Any transfer of alcoholic beverages between approved licensees must be properly accounted for. Approval to use the alternate storage facility must be documented on the face of each license within the resort area that applies to use the alternate storage facility."

Section 5. Section 16-4-401, MCA, is amended to read:

"16-4-401. License as privilege – criteria for decision on application. (1) A license under this code is a privilege that the state may grant to an applicant and is not a right to which any applicant is entitled.

(2) Except as provided in 16-4-311 and subsection (6) of this section and subject to subsection (8), in the case of a license that permits on-premises consumption, the department shall find in every case in which it makes an order for the issuance of a new license or for the approval of the transfer of a license that:

(a) if the applicant is an individual:

(i) and the application is approved, the applicant will not possess an ownership interest in more than three establishments licensed under this chapter for all-beverages sales. However, resort retail all-beverages licenses issued under 16-4-213 do not count toward this limit.

(ii) the applicant does not possess an ownership interest in an agency liquor store as defined in 16-1-106;

(iii) the applicant or any member of the applicant's immediate family is without financing from or any affiliation to a manufacturer, importer, bottler, or distributor of alcoholic beverages;

(iv) the applicant's past record and present status as a purveyor of alcoholic beverages and as a business person and citizen demonstrate that the applicant is likely to operate the establishment in compliance with all applicable laws of the state and local governments; *however, nothing in this subsection (2)(a)(iv) authorizes the department to consider an applicant's tax status or whether the applicant was or is an income tax protestor when renewing the license; and*

(v) *the applicant has not been convicted of a felony or, if the applicant has been convicted of a felony, the applicant's rights have been restored; and*

~~(v)~~(vi) the applicant is not under 19 years of age;

(b) if the applicant is a publicly traded corporation:

(i) each owner of ~~10%~~ 15% or more of the outstanding stock meets the requirements for an individual applicant listed in subsection (2)(a). If no single owner owns more than ~~10%~~ 15% of the outstanding stock, the applicant shall designate two or more officers or board members, each of whom must meet the requirements for an individual applicant listed in subsection (2)(a).

(ii) each individual who has control over the operation of the license meets the requirements for an individual applicant listed in subsection (2)(a);

(iii) each person who shares in the profits or liabilities of a license meets the requirements for an individual applicant listed in subsection (2)(a). This subsection (2)(b)(iii) does not apply to a shareholder of a corporation who owns less than ~~10%~~ 15% of the outstanding stock in that corporation except that the provisions of subsection (8) apply.

(iv) the corporation is authorized to do business in Montana;

(c) if the applicant is a privately held corporation:

(i) each owner of ~~10%~~ 15% or more of the outstanding stock meets the requirements for an individual applicant listed in subsection (2)(a). If no single owner owns more than ~~10%~~ 15% of the outstanding stock, the applicant shall

designate two or more officers or board members, each of whom must meet the requirements for an individual applicant listed in subsection (2)(a), and the owners of 51% of the outstanding stock must meet the requirements of subsection (2)(a).

(ii) each individual who has control over the operation of the license meets the requirements for an individual applicant listed in subsection (2)(a);

(iii) each person who shares in the profits or liabilities of a license meets the requirements for an individual applicant listed in subsection (2)(a). This subsection (2)(c)(iii) does not apply to a shareholder of a corporation who owns less than ~~10%~~ 15% of the outstanding stock in that corporation except that the provisions of subsection (8) apply.

(iv) the corporation is authorized to do business in Montana;

(d) if the applicant is a general partnership, each partner must meet the requirements of subsection (2)(a);

(e) if the applicant is a limited partnership or a limited liability partnership, each general partner and all limited partners whose ownership interest in the partnership equals or exceeds ~~10%~~ 15% must meet the requirements of subsection (2)(a). If no single limited partner's interest equals or exceeds ~~10%~~ 15%, then 51% of all limited partners must meet the requirements of subsection (2)(a).

(f) if the applicant is a limited liability company, all managing members and those members whose ownership interest in the company equals or exceeds ~~10%~~ 15% must meet the requirements of subsection (2)(a). If no single member's interest equals or exceeds ~~10%~~ 15%, then 51% of all members must meet the requirements of subsection (2)(a).

(3) In the case of a license that permits only off-premises consumption and subject to subsection (8), the department shall find in every case in which it makes an order for the issuance of a new license or for the approval of the transfer of a license that:

(a) if the applicant is an individual:

(i) and the application is approved, the applicant will not possess an ownership interest in more than three establishments licensed under this chapter for all-beverages sales;

(ii) the applicant does not possess an ownership interest in an agency liquor store as defined in 16-1-106;

(iii) the applicant or any member of the applicant's immediate family is without financing from or any affiliation to a manufacturer, importer, bottler, or distributor of alcoholic beverages;

(iv) the applicant has not been convicted of a felony or, if the applicant has been convicted of a felony, the applicant's rights have been restored;

(v) the applicant's past record and present status as a purveyor of alcoholic beverages and as a business person and citizen demonstrate that the applicant is likely to operate the establishment in compliance with all applicable laws of the state and local governments; *however, nothing in this subsection (2)(a)(iv) authorizes the department to consider an applicant's tax status or whether the applicant was or is an income tax protestor when renewing the license;* and

(vi) the applicant is not under 19 years of age;

(b) if the applicant is a publicly traded corporation:

(i) each owner of ~~10%~~ 15% or more of the outstanding stock meets the requirements for an individual listed in subsection (3)(a). If no single owner owns more than ~~10%~~ 15% of the outstanding stock, the applicant shall designate two or more officers or board members, each of whom must meet the requirements for an individual applicant listed in subsection (3)(a).

(ii) the corporation is authorized to do business in Montana;

(c) if the applicant is a privately held corporation:

(i) each owner of ~~10%~~ 15% or more of the outstanding stock meets the requirements for an individual applicant listed in subsection (3)(a). If no single owner owns more than ~~10%~~ 15% of the outstanding stock, the applicant shall designate two or more officers or board members, each of whom must meet the requirements for an individual applicant listed in subsection (3)(a), and the owners of 51% of the outstanding stock must meet the requirements of subsection (3)(a).

(ii) the corporation is authorized to do business in Montana;

(d) if the applicant is a general partnership, each partner must meet the requirements of subsection (3)(a);

(e) if the applicant is a limited partnership or a limited liability partnership, each general partner and all limited partners whose ownership interest in the partnership equals or exceeds ~~10%~~ 15% must meet the requirements of subsection (3)(a). If no single limited partner's interest equals or exceeds ~~10%~~ 15%, then 51% of all limited partners must meet the requirements of subsection (3)(a).

(f) if the applicant is a limited liability company, all managing members and those members whose ownership interest in the company equals or exceeds ~~10%~~ 15% must meet the requirements of subsection (3)(a). If no single member's interest equals or exceeds ~~10%~~ 15%, then 51% of all members must meet the requirements of subsection (3)(a).

(4) Subject to 16-4-311, in the case of a license that permits the manufacture, importing, or wholesaling of an alcoholic beverage, the department shall find in every case in which it makes an order for the issuance of a new license or for the approval of the transfer of a license that:

(a) if the applicant is an individual:

(i) the applicant has no ownership interest in any establishment licensed under this chapter for retail alcoholic beverages sales;

(ii) the applicant does not possess an ownership interest in an agency liquor store as defined in 16-1-106;

(iii) the applicant has not been convicted of a felony or, if the applicant has been convicted of a felony, the applicant's rights have been restored;

(iv) the applicant's past record and present status as a purveyor of alcoholic beverages and as a business person and citizen demonstrate that the applicant is likely to operate the establishment in compliance with all applicable laws of the state and local governments; *however, nothing in this subsection (2)(a)(iv) authorizes the department to consider an applicant's tax status or whether the applicant was or is an income tax protestor when renewing the license;*

(v) the applicant is not under 19 years of age; and

(vi) an applicant for a wholesale license is not a manufacturer of an alcoholic beverage or owned or controlled by a manufacturer of an alcoholic beverage;

(b) if the applicant is a publicly traded corporation:

(i) each owner of ~~10%~~ 15% or more of the outstanding stock meets the requirements for an individual listed in subsection (4)(a). If no single owner owns more than ~~10%~~ 15% of the outstanding stock, the applicant shall designate two or more officers or board members, each of whom must meet the requirements for an individual applicant listed in subsection (4)(a).

(ii) an applicant for a wholesale license is not a manufacturer of an alcoholic beverage or owned or controlled by a manufacturer of an alcoholic beverage; and

(iii) the corporation is authorized to do business in Montana;

(c) if the applicant is a privately held corporation:

(i) each owner of ~~10%~~ 15% or more of the outstanding stock meets the requirements for an individual applicant listed in subsection (4)(a). If no single owner owns more than ~~10%~~ 15% of the outstanding stock, the applicant must designate two or more officers or board members, each of whom must meet the requirements for an individual applicant listed in subsection (4)(a) and the owners of 51% of the outstanding stock must meet the requirements of subsection (4)(a).

(ii) an applicant for a wholesale license is not a manufacturer of an alcoholic beverage or owned or controlled by a manufacturer of an alcoholic beverage; and

(iii) the corporation is authorized to do business in Montana;

(d) if the applicant is a general partnership, each partner must meet the requirements of subsection (4)(a);

(e) if the applicant is a limited partnership or a limited liability partnership, each general partner and all limited partners whose ownership interest in the partnership equals or exceeds ~~10%~~ 15% must meet the requirements of subsection (4)(a). If no single limited partner's interest equals or exceeds ~~10%~~ 15%, then 51% of all limited partners must meet the requirements of subsection (4)(a).

(f) if the applicant is a limited liability company, all managing members and those members whose ownership interest in the company equals or exceeds ~~10%~~ 15% must meet the requirements of subsection (4)(a). If no single member's interest equals or exceeds ~~10%~~ 15%, then 51% of all members must meet the requirements of subsection (4)(a).

(5) In the case of a corporate applicant, the requirements of subsections (2)(b), (3)(b), and (4)(b) apply separately to each class of stock.

(6) The provisions of subsection (2) do not apply to an applicant for or holder of a license pursuant to 16-4-302.

(7) An applicant's source of funding must be from a suitable source. A lender or other source of money or credit may be found unsuitable if the source:

(a) is a person whose prior financial or other activities or criminal record:

(i) poses a threat to the public interest of the state;

(ii) poses a threat to the effective regulation and control of alcoholic beverages; or

(iii) creates a danger of illegal practices, methods, or activities in the conduct of the licensed business; or

(b) has been convicted of a felony offense within 5 years of the date of application or is on probation or parole or under deferred prosecution for committing a felony offense.

(8) (a) An individual applying for an all-beverages license or having any ownership interest in an entity applying for an all-beverages license may not, if the application were to be approved, own an interest in more than half the total number of allowable all-beverages licenses in any quota area described in 16-4-201.

(b) If two or more individuals through business or family relationship share in the profits or liabilities of all-beverages licenses, the aggregate number of licenses in which they share profits or liabilities may not exceed half the total number of allowable all-beverages licenses in the specific quota area in which the all-beverages licenses will be held.

(9) (a) *Except as specifically provided in this code relating to financial interests in licenses, nothing in this section applies or otherwise prohibits an applicant or licensee from obtaining personal financing from a licensed financial institution, taking advantage of consumer credit, or using a personal credit card to make purchases on behalf of a licensed entity if the applicant or*

licensee is reimbursed by the licensed entity within 90 days. An applicant or individual may obtain multiple transactions up to an aggregate maximum of \$100,000 with each individual transaction not to exceed \$25,000 to be used on behalf of the licensed entity.

(b) A licensee's use of short-term financing of 90 days or less from institutional lenders and noninstitutional lenders does not constitute an undisclosed ownership interest in the license.

(c) It is the intent of this subsection (9) to facilitate the efficient administration of an entity licensed under this code."

Section 6. Section 16-4-406, MCA, is amended to read:

"16-4-406. Renewal – suspension or revocation – penalty – mitigating and aggravating circumstances. (1) The department shall upon a written, verified complaint of a person request that the department of justice investigate the action and operation of a brewer, winery, wholesaler, domestic distillery, table wine distributor, beer or wine importer, retailer, concessionaire, or any other person or business licensed or registered under this code.

(2) Subject to the opportunity for a hearing under the Montana Administrative Procedure Act, if the department, after reviewing admissions of either the licensee or concessionaire or receiving the results of the department of justice's or a local law enforcement agency's investigation, has reasonable cause to believe that a licensee or concessionaire has violated a provision of this code or a rule of the department, it may, in its discretion and in addition to the other penalties prescribed:

(a) reprimand a licensee or concessionaire or both;

(b) proceed to revoke the license of the licensee or the concession agreement of the concessionaire or both *only if the violations jeopardize health, welfare, and safety, or there is not a proposed cure in place;*

(c) suspend the license or the concession agreement or both for a period of not more than 3 months;

(d) refuse to grant a renewal of the license or concession agreement or both after its expiration *only if the violations jeopardize health, welfare, and safety, or there is not a proposed cure in place;* or

(e) impose a civil penalty not to exceed \$1,500.

(3) The department shall consider mitigating circumstances and may adjust penalties within penalty ranges based on its consideration of mitigating circumstances. Examples of mitigating circumstances are:

(a) there have been no violations by the licensee or concessionaire or both within the past 3 years;

(b) there have been good faith efforts by the licensee or concessionaire or both to prevent a violation;

(c) written policies exist that govern the conduct of the licensee's employees or the concessionaire's employees or both;

(d) there has been cooperation in the investigation of the violation that shows that the licensee or concessionaire or both or an employee or agent of the licensee or concessionaire or both accepts responsibility;

(e) the investigation was not based on complaints received or on observed misconduct, but was based solely on the investigating authority creating the opportunity for a violation; or

(f) the licensee or concessionaire or both have provided responsible alcohol server training to all of their employees.

(4) The department shall consider aggravating circumstances and may adjust penalties within penalty ranges based on its consideration of aggravating circumstances. Examples of aggravating circumstances are:

- (a) prior warnings about compliance problems;
- (b) prior violations within the past 3 years;
- (c) lack of written policies governing employee conduct;
- (d) multiple violations during the course of the investigation;
- (e) efforts to conceal a violation;
- (f) the intentional nature of the violation; or
- (g) involvement of more than one patron or employee in a violation.”

Section 7. Section 16-4-414, MCA, is amended to read:

“16-4-414. Fingerprints required of applicants – exceptions.

(1) Except as provided in subsections (2) ~~and~~ and (3), an applicant for a license under this code, any person employed by the applicant as a manager, and, if the applicant is a *privately held* corporation, each ~~person holding 10% or more of the outstanding stock and each person holding 15% or more of the outstanding stock and each officer shall submit their fingerprints with the application to facilitate a fingerprint and background check by the department of justice and the federal bureau of investigation. If the applicant is a publicly traded corporation, officer and director any person employed by the applicant as a location manager and an officer shall submit their fingerprints with the application to facilitate a fingerprint and background check by the department of justice and the federal bureau of investigation.~~ The results of the investigation must be used by the department in determining the applicant’s eligibility for a license.

(2) (a) When the applicant is seeking a license for off-premises consumption, the following persons are subject to the fingerprint and background check described in subsection (1):

- (i) the applicant;
- (ii) a person designated by the applicant as responsible for operating the licensed establishment on behalf of the licensee; or
- (iii) if the applicant is a corporation, each ~~person holding 10% or more of the outstanding stock and each officer and director~~ responsible for operating the licensed establishment.

(b) Additional fingerprint and background checks may be required at renewal only for new persons described in subsection (2)(a).

(c) A change in the form of a licensee’s business entity that does not result in any person having a new ownership interest in the business is not grounds for the department to require a fingerprint or background check.

(3) When the applicant is seeking a license for off-premises consumption, a person employed by the applicant as a manager is not subject to the fingerprint and background check described in subsection (1).

(4) *Approved applicants may use a single background check and set of fingerprints for multiple license applications within 3 years. Applicants must attest that no criminal charges have been filed since the background check was last completed.”*

Section 8. Section 16-4-415, MCA, is amended to read:

“16-4-415. Changes in business entity ownership – department approval required. (1) In the case of corporate licensees, a person or entity that does not own stock or owns less than ~~10%~~ 15% of the stock in the corporation may not receive stock that results in the person or entity’s share of stock in the corporation being ~~10%~~ 15% or greater ~~or greater~~, unless the department reviews and determines that the person or entity qualifies for ownership of a ~~liquor~~ license as provided in 16-4-401.

(2) In the case of all other business entities, when a proposed transfer of ownership would result in a party who prior to the transfer owned no interest in the license owning ~~an~~ 15% or more interest in the license, the proposed

transfer must be submitted to the department for review. The proposed new party must qualify for ownership of a liquor license as provided in 16-4-401.

(3) In the case of a proposed change in business entity, the proposed new business entity shall apply for a transfer of ownership of the license with the department prior to changing the business entity. The proposed new business entity must qualify for ownership of a liquor license as provided in 16-4-401. *If the existing owners and ownership percentages do not change under the proposed change in business entity, the new entity shall notify the department of the new business entity type, but prior department approval is not required.*"

Section 9. Section 16-6-306, MCA, is amended to read:

"16-6-306. Bottle clubs prohibited. (1) The operation of alcoholic beverage bottle clubs is hereby prohibited by any ~~person, persons, partnership, firm, corporation, or association~~ *individual or entity*. A bottle club is defined as any ~~person, persons, partnership, firm, corporation, or association~~ *individual or entity* maintaining, operating, or leasing premises not licensed for the sale of alcoholic beverages, ~~for a fee or other consideration, including the sale of food, mixes, ice, or any other fluids for alcoholic beverages, or otherwise furnishing premises for such purposes and from which they would derive revenue in which alcoholic beverages are kept for consumption by members of the public or for the purpose of providing a place for consuming alcoholic beverages by members of the public for a fee or other consideration. For the purposes of this subsection, "consideration" includes but is not limited to a cover charge, the sale of food, ice, mixers, or any other fluids for alcoholic beverages, the furnishing of glassware or other containers for use in the consumption of alcoholic beverages, or the expectation of a purchase of a good or service.~~

(2) *Nothing in this section prevents the service or consumption of alcoholic beverages at private gatherings. For the purposes of this subsection, "private gathering" means an event hosted by an individual that is not open to the general public and in which no fee or consideration is charged. The term does not include an event catered by a licensed retailer.*

(3) *Nothing in this section prohibits a licensed on-premises retailer or concessionaire from opening and serving to patrons 21 years of age or older wine from a sealed bottle brought to the premises by the patron for on-premises consumption. This service may not constitute a violation of 16-3-301 or this section, regardless of whether the licensed retailer charges a corkage fee.*

(4) *The department may assess a fine of up to \$500 against individuals or entities serving alcoholic beverages or allowing consumption of alcoholic beverages in violation of subsection (1) without a license or special permit."*

Section 10. Section 23-5-117, MCA, is amended to read:

"23-5-117. Premises approval. (1) The department may approve a premises for issuance or operation of an operator's license if the premises meets the requirements contained in subsections (2) and (3).

(2) The premises may include any concessioned area provided for in 16-4-418 and must:

(a) be a structure or facility that is clearly defined by permanently installed walls that extend from floor to ceiling;

(b) have a unique address assigned by the local government in which the premises is located;

(c) have a public external entrance, leading to a street or other common area, that is not shared with another premises for which an operator's license has been issued; and

(d) be designed and arranged to allow for observation and control of all gambling activities by the gambling operator.

(3) If the premises shares a common internal wall with another premises for which an operator's license has been issued, the common wall must be permanently installed, opaque, and extend from floor to ceiling and may not contain an internal entrance through which public access is allowed.

(4) The department may not provide additional requirements in rulemaking for premises suitability related to seating."

Section 11. Coordination instruction. If both House Bill No. 525 and [this act] are passed and approved and if House Bill No. 525 contains a section that amends 6-4-418, then the final sentence in [section 4(7) of this act], amending 16-4-213, must be amended as follows:

"The Except for 16-4-418(1), the provisions of 16-4-418 apply."

Section 12. Severability. If a part of [this act] is invalid, all valid parts that are severable from the invalid part remain in effect. If a part of [this act] is invalid in one or more of its applications, the part remains in effect in all valid applications that are severable from the invalid applications.

Section 13. Effective dates. (1) Except as provided in subsection (2), [this act] is effective on passage and approval.

(2) [Sections 3(6), 3(7), 4(5), and 4(8)] are effective July 1, 2021.

Approved May 14, 2021

CHAPTER NO. 569

[HB 709]

AN ACT REVISING THE FEE FOR DOUBLE PROXY MARRIAGES; AND AMENDING SECTION 25-1-201, MCA.

Be it enacted by the Legislature of the State of Montana:

Section 1. Section 25-1-201, MCA, is amended to read:

"25-1-201. Fees of clerk of district court. (1) The clerk of district court shall collect the following fees:

(a) at the commencement of each action or proceeding, except a petition for dissolution of marriage, from the plaintiff or petitioner, \$90; for filing a complaint in intervention, from the intervenor, \$80; for filing a petition for dissolution of marriage, \$170; for filing a petition for legal separation, \$150; and for filing a petition for a contested amendment of a final parenting plan, \$120;

(b) from each defendant or respondent, on appearance, \$60;

(c) on the entry of judgment, from the prevailing party, \$45;

(d) (i) except as provided in subsection (1)(d)(ii), for preparing copies of papers on file in the clerk's office in all criminal and civil proceedings, \$1 a page for the first 10 pages of each file, for each request, and 50 cents for each additional page;

(ii) for a copy of a marriage license, \$5, and for a copy of a dissolution decree, \$10;

(iii) for providing copies of papers on file in the clerk's office by facsimile, e-mail, or other electronic means in all criminal and civil proceedings, 25 cents per page;

(e) for each certificate, with seal, \$2;

(f) for oath and jurat, with seal, \$1;

(g) for a search of court records, \$2 for each name for each year searched, for a period of up to 7 years, and an additional \$1 for each name for any additional year searched;

(h) for filing and docketing a transcript of judgment or transcript of the docket from all other courts, the fee for entry of judgment provided for in subsection (1)(c);

(i) for issuing an execution or order of sale on a foreclosure of a lien, \$5;

(j) for transmission of records or files or transfer of a case to another court, \$5;

(k) for filing and entering papers received by transfer from other courts, \$10;

(l) for issuing a marriage license;

(i) *when one or both parties to the marriage are present at the solemnization*, \$53;

(ii) *when neither party is present at the solemnization*, \$83;

(m) on the filing of an application for informal, formal, or supervised probate or for the appointment of a personal representative or the filing of a petition for the appointment of a guardian or conservator, from the applicant or petitioner, \$70, which includes the fee for filing a will for probate;

(n) on the filing of the items required in 72-4-303 by a domiciliary foreign personal representative of the estate of a nonresident decedent, \$55;

(o) for filing a declaration of marriage without solemnization, \$53;

(p) for filing a motion for substitution of a judge, \$100;

(q) for filing a petition for adoption, \$75;

(r) for filing a pleading by facsimile or e-mail in all criminal and civil proceedings, 50 cents per page.

(2) Except as provided in subsections (3) and (5) through (7), fees collected by the clerk of district court must be deposited in the state general fund as specified by the supreme court administrator.

(3) (a) Of the fee for filing a petition for dissolution of marriage, \$5 must be deposited in the children's trust fund account established in 52-7-102, \$19 must be deposited in the civil legal assistance for indigent victims of domestic violence account established in 3-2-714, and \$30 must be deposited in the partner and family member assault intervention and treatment fund established in 40-15-110.

(b) Of the fee for filing a petition for legal separation, \$5 must be deposited in the children's trust fund account established in 52-7-102 and \$30 must be deposited in the partner and family member assault intervention and treatment fund established in 40-15-110.

(4) If the moving party files a statement signed by the nonmoving party agreeing not to contest an amendment of a final parenting plan at the time the petition for amendment is filed, the clerk of district court may not collect from the moving party the fee for filing a petition for a contested amendment of a parenting plan under subsection (1)(a).

(5) Of the fee for filing an action or proceeding, except a petition for dissolution of marriage, \$9 must be deposited in the civil legal assistance for indigent victims of domestic violence account established in 3-2-714.

(6) The fees collected under subsections (1)(d), (1)(g), (1)(j), and (1)(r) must be deposited in the county district court fund. If a district court fund does not exist, the fees must be deposited in the county general fund to be used for district court operations.

(7) Of the fee for issuance of a marriage license and the fee for filing a declaration of marriage without solemnization, \$13 must be deposited in the domestic violence intervention account established by 44-7-202 and \$10 must be deposited in the county district court fund, *except that \$30 must be deposited in the county district court fund when neither party to a marriage is present at the solemnization*. If a district court fund does not exist, the fees must be deposited in the county general fund to be used for district court operations.

(8) Any filing fees, fines, penalties, or awards collected by the district court or district court clerk not otherwise specifically allocated must be deposited in the state general fund.”

Approved May 14, 2021

CHAPTER NO. 570

[HB 462]

AN ACT REVISING LAWS RELATED TO LEARNER LICENSES; REQUIRING CERTAIN DUTIES TO BE PERFORMED BY A RESPONSIBLE ADULT WHEN A PARENT OR GUARDIAN IS NOT AVAILABLE; AMENDING SECTIONS 61-5-106, 61-5-108, AND 61-5-132, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.

Be it enacted by the Legislature of the State of Montana:

Section 1. Section 61-5-106, MCA, is amended to read:

“61-5-106. Instruction Learner licenses – traffic education permits – temporary driver’s permits. (1) (a) The department may issue a learner license, which is valid for 1 year from the date of issuance, to a person satisfying the age requirements specified in 61-5-105(1) after the applicant has successfully passed the knowledge test and the vision examination, as provided in 61-5-110. Except as provided in subsections (1)(b) and (1)(c), a learner license entitles the licensee, while in immediate possession of the license and accompanied by a licensed driver seated beside the licensee, to drive a motor vehicle other than a motorcycle upon the public highways.

(b) (i) ~~If the licensee is under 18 years of age, Except as provided in subsection (1)(b)(ii), if the licensee is under 18 years of age,~~ the driver supervising the licensee must be a parent or a legal guardian of the licensee or, with the permission of the licensee’s parent or legal guardian, a licensed driver 18 years of age or older. Each occupant of a motor vehicle driven by a licensee who is under 18 years of age shall wear a properly adjusted and fastened seatbelt or, if 61-9-420 applies, must be properly restrained in a child safety restraint.

(ii) *If the licensee is a ward of the state, the driver supervising the licensee must be a licensed driver 18 years of age or older.*

(c) A person holding a learner license for a motorcycle may drive a motorcycle upon a public highway if the person is not carrying a passenger, has immediate possession of the license, and is under the immediate and proximate visual supervision of one of the following persons, who must be at least 18 years of age if the licensee is under 18 years of age:

(i) a motorcycle-endorsed licensed driver who is riding with the licensee and who is operating a separate motorcycle or other motor vehicle; or

(ii) a licensed driver who is operating a separate motor vehicle if the licensee has successfully completed a motorcycle safety training course through a cooperative driver testing program certified under 61-5-110.

(2) The department may issue a learner license, which is valid for 1 year from the date of issuance, to any person who is at least 14 1/2 years of age and who has successfully completed or is successfully participating in a traffic education course approved by the department and the superintendent of public instruction and that is available to all who meet the age requirements specified in 20-7-503 and reside within the geographical boundaries of or attend a school in the school district that offers the course. A learner license entitles the licensee to operate a motor vehicle when accompanied by an approved instructor, a

licensed parent or guardian, or other driver as provided in subsection (1)(b) and may be restricted to specific times or areas.

(3) (a) An instructor of a traffic education program approved by the department and by the superintendent of public instruction may issue a traffic education permit that is effective for a school year or more restricted period to an applicant who is enrolled in a traffic education program approved by the department and who meets the age requirements specified in 20-7-503.

(b) When in immediate possession of the traffic education permit, the permittee may operate on a designated highway or within a designated area:

(i) a motor vehicle when an approved instructor is seated beside the permittee; or

(ii) a motorcycle or quadricycle when under the immediate and proximate supervision of an approved instructor.

(4) The department may in its discretion issue a temporary driver's permit to an applicant for a driver's license permitting the applicant to operate a motor vehicle while the department is completing its investigation and determination of all facts relative to the applicant's right to receive a driver's license. The temporary driver's permit must be in the permittee's immediate possession while operating a motor vehicle, and it is invalid when the applicant's license has been issued or for good cause has been refused.

(5) The department may in its discretion issue a temporary commercial driver's license to an applicant permitting the applicant to operate a commercial motor vehicle while the department is completing its investigation and determination of all facts relative to the applicant's right to receive a commercial driver's license. The temporary license must be in the applicant's immediate possession while operating a commercial motor vehicle and is invalid when the applicant's license has been issued or for good cause has been refused.

(6) The department may in its discretion issue a temporary medical assessment and rehabilitation driving permit, as provided in 61-5-120."

Section 2. Section 61-5-108, MCA, is amended to read:

"61-5-108. Application of minors -- imputed liability. (1) The application of a person who is under 18 years of age for a learner license, driver's license, or medical assessment and rehabilitation driving permit must be signed and verified before a person authorized to administer oaths or an employee of the department by a parent of the applicant or, if ~~none is a parent~~ *is not available*;

(a) by some other responsible adult who is willing to assume the obligation imposed under this chapter upon a person signing the application of a minor; or

(b) *by the minor if the minor has submitted a certificate of insurance to the department pursuant to 61-6-133.*

(2) Any negligence or willful misconduct of a minor who is under 18 years of age when driving a motor vehicle upon a highway must be imputed to a person who has signed the application of the minor for a learner license, driver's license, or medical and rehabilitation driving permit. The person who signs the application is jointly and severally liable with the minor for any damages caused by the negligence or willful misconduct unless a motor vehicle liability policy, as provided for in chapter 6 of this title, covering the minor is in effect, in which case there is no imputed liability as described in this section."

Section 3. Section 61-5-132, MCA, is amended to read:

"61-5-132. Prerequisites for issuance of driver's license to minor.

(1) The department may issue a driver's license, subject to the restrictions of 61-5-133, to a person under 18 years of age if the person:

(a) has held a learner license or traffic education permit for a period of not less than 6 months;

(b) has passed a road test or a skills test, as provided in 61-5-110;

(c) presents written certification from the person's parent or legal guardian, *or if none is available, a responsible adult with knowledge of the person's driving experience*, that states that the person has had at least 50 hours of driving experience, 10 of which were at night, during which the person was supervised by a parent, a legal guardian, or a person at least 18 years of age, with the consent of the parent or legal guardian, who had a valid driver's license; and

(d) presents written certification from the person's parent or legal guardian, *or if none is available, a responsible adult with knowledge of the person's legal history*, that states that, during the 6-month period immediately preceding application for a driver's license, the person has not been convicted of a traffic violation or convicted of or adjudicated for an offense involving the use of alcohol or drugs and the person has no pending traffic, alcohol, or drug citations.

(2) If a parent or a legal guardian, *or if none is available, a responsible adult with knowledge of the person's legal history*, for a person under 18 years of age cannot certify that the person has a 6-month conviction-free record for traffic, alcohol, and drug violations and no pending traffic, alcohol, or drug citations, the department may extend the person's learner license for an additional 1-year period or until the person's 18th birthday, whichever occurs first.

(3) (a) The requirements of subsections (1)(a) through (1)(c) do not apply to a person under 18 years of age who has been licensed in another state for at least 6 months and surrenders a valid driver's license from that state.

(b) The requirements of subsection (1)(c) do not apply to a person under 18 years of age who, at the time of application for a driver's license, is an enrollee of a job corps program located in Montana. The department may require the applicant to provide current documentation of the applicant's job corps program enrollment status."

Section 4. Effective date. [This act] is effective on passage and approval.

Approved May 14, 2021

CHAPTER NO. 571

[SB 224]

AN ACT GENERALLY REVISING CAMPAIGN FINANCE LAWS; INCREASING THE CAMPAIGN FINANCE DISCLOSURE MONETARY THRESHOLD; PROHIBITING THE COMMISSIONER OF POLITICAL PRACTICES FROM REQUESTING ADDITIONAL INFORMATION IN DISCLOSURE REPORTS; PROVIDING THAT A PERSON WHO HOSTS A FUNDRAISING RECEPTION OR OTHER POLITICAL EVENT ON THEIR PROPERTY IS NOT MAKING A CONTRIBUTION; REVISING REPORTING DEADLINES AND REQUIREMENTS; PROVIDING CERTAIN REPORTING EXCEPTIONS; REVISING INCIDENTAL COMMITTEE FILING REQUIREMENTS; PROVIDING THAT CERTAIN CANDIDATES MAY USE THE SAME ACCOUNT IN A CAMPAIGN DEPOSITORY FOR PRIMARY AND GENERAL ELECTIONS FUNDS UNDER CERTAIN CIRCUMSTANCES; INCREASING AGGREGATE CONTRIBUTION LIMITS BY A POLITICAL

COMMITTEE, POLITICAL PARTY COMMITTEE, AND AN INDIVIDUAL TO A CANDIDATE; DIRECTING THE AMENDMENT OF ARM 44.11.502; REPEALING NAMING AND LABELING PROVISIONS REGARDING POLITICAL COMMITTEES; REPEALING AGGREGATE CONTRIBUTION LIMITS RECEIVED BY CERTAIN CANDIDATES; REVISING DEFINITIONS; AMENDING SECTIONS 13-1-101, 13-37-205, 13-37-216, 13-37-226, 13-37-229, AND 13-37-232, MCA; AND REPEALING SECTIONS 13-37-210 AND 13-37-218, MCA.

Be it enacted by the Legislature of the State of Montana:

Section 1. Section 13-1-101, MCA, is amended to read:

“13-1-101. Definitions. As used in this title, unless the context clearly indicates otherwise, the following definitions apply:

(1) “Active elector” means an elector whose name has not been placed on the inactive list due to failure to respond to confirmation notices pursuant to 13-2-220 or 13-19-313.

(2) “Active list” means a list of active electors maintained pursuant to 13-2-220.

(3) “Anything of value” means any goods that have a certain utility to the recipient that is real and that is ordinarily not given away free but is purchased.

(4) “Application for voter registration” means a voter registration form prescribed by the secretary of state that is completed and signed by an elector, is submitted to the election administrator, and contains voter registration information subject to verification as provided by law.

(5) “Ballot” means a paper ballot counted manually or a paper ballot counted by a machine, such as an optical scan system or other technology that automatically tabulates votes cast by processing the paper ballots.

(6) (a) “Ballot issue” or “issue” means a proposal submitted to the people at an election for their approval or rejection, including but not limited to an initiative, referendum, proposed constitutional amendment, recall question, school levy question, bond issue question, or ballot question.

(b) For the purposes of chapters 35 and 37, an issue becomes a “ballot issue” upon certification by the proper official that the legal procedure necessary for its qualification and placement on the ballot has been completed, except that a statewide issue becomes a “ballot issue” upon preparation and transmission by the secretary of state of the form of the petition or referral to the person who submitted the proposed issue.

(7) “Ballot issue committee” means a political committee specifically organized to support or oppose a ballot issue.

(8) “Candidate” means:

(a) an individual who has filed a declaration or petition for nomination, acceptance of nomination, or appointment as a candidate for public office as required by law;

(b) for the purposes of chapter 35, 36, or 37, an individual who has solicited or received and retained contributions, made expenditures, or given consent to an individual, organization, political party, or committee to solicit or receive and retain contributions or make expenditures on the individual's behalf to secure nomination or election to any office at any time, whether or not the office for which the individual will seek nomination or election is known when the:

(i) solicitation is made;

(ii) contribution is received and retained; or

(iii) expenditure is made; or

(c) an officeholder who is the subject of a recall election.

(9) (a) "Contribution" means:

(i) the receipt by a candidate or a political committee of an advance, gift, loan, conveyance, deposit, payment, or distribution of money or anything of value to support or oppose a candidate or a ballot issue;

(ii) an expenditure, including an in-kind expenditure, that is made in coordination with a candidate or ballot issue committee and is reportable by the candidate or ballot issue committee as a contribution;

(iii) the receipt by a political committee of funds transferred from another political committee; or

(iv) the payment by a person other than a candidate or political committee of compensation for the personal services of another person that are rendered to a candidate or political committee.

(b) The term does not mean:

(i) services provided without compensation by individuals volunteering a portion or all of their time on behalf of a candidate or political committee;

(ii) ~~or~~ meals and lodging provided by individuals in their private residences for a candidate or other individual; *or*

(iii) *the use of a person's real property for a fundraising reception or other political event.*

(c) This definition does not apply to Title 13, chapter 37, part 6.

(10) "Coordinated", including any variations of the term, means made in cooperation with, in consultation with, at the request of, or with the express prior consent of a candidate or political committee or an agent of a candidate or political committee.

(11) "De minimis act" means an action, contribution, or expenditure that is so small that it does not trigger registration, reporting, disclaimer, or disclosure obligations under Title 13, chapter 35 or 37, or warrant enforcement as a campaign practices violation under Title 13, chapter 37.

(12) "Election" means a general, special, or primary election held pursuant to the requirements of state law, regardless of the time or purpose.

(13) (a) "Election administrator" means, except as provided in subsection (13)(b), the county clerk and recorder or the individual designated by a county governing body to be responsible for all election administration duties, except that with regard to school elections not administered by the county, the term means the school district clerk.

(b) As used in chapter 2 regarding voter registration, the term means the county clerk and recorder or the individual designated by a county governing body to be responsible for all election administration duties even if the school election is administered by the school district clerk.

(14) (a) "Election communication" means the following forms of communication to support or oppose a candidate or ballot issue:

(i) a paid advertisement broadcast over radio, television, cable, or satellite;

(ii) paid placement of content on the internet or other electronic communication network;

(iii) a paid advertisement published in a newspaper or periodical or on a billboard;

(iv) a mailing; or

(v) printed materials.

(b) The term does not mean:

(i) an activity or communication for the purpose of encouraging individuals to register to vote or to vote, if that activity or communication does not mention or depict a clearly identified candidate or ballot issue;

(ii) a communication that does not support or oppose a candidate or ballot issue;

(iii) a bona fide news story, commentary, blog, or editorial distributed through the facilities of any broadcasting station, newspaper, magazine, internet website, or other periodical publication of general circulation;

(iv) a communication by any membership organization or corporation to its members, stockholders, or employees; or

(v) a communication that the commissioner determines by rule is not an election communication.

(15) "Election judge" means a person who is appointed pursuant to Title 13, chapter 4, part 1, to perform duties as specified by law.

(16) (a) "Electioneering communication" means a paid communication that is publicly distributed by radio, television, cable, satellite, internet website, newspaper, periodical, billboard, mail, or any other distribution of printed materials, that is made within 60 days of the initiation of voting in an election, that does not support or oppose a candidate or ballot issue, that can be received by more than 100 recipients in the district voting on the candidate or ballot issue, and that:

(i) refers to one or more clearly identified candidates in that election;

(ii) depicts the name, image, likeness, or voice of one or more clearly identified candidates in that election; or

(iii) refers to a political party, ballot issue, or other question submitted to the voters in that election.

(b) The term does not mean:

(i) a bona fide news story, commentary, blog, or editorial distributed through the facilities of any broadcasting station, newspaper, magazine, internet website, or other periodical publication of general circulation unless the facilities are owned or controlled by a candidate or political committee;

(ii) a communication by any membership organization or corporation to its members, stockholders, or employees;

(iii) a commercial communication that depicts a candidate's name, image, likeness, or voice only in the candidate's capacity as owner, operator, or employee of a business that existed prior to the candidacy;

(iv) a communication that constitutes a candidate debate or forum or that solely promotes a candidate debate or forum and is made by or on behalf of the person sponsoring the debate or forum; or

(v) a communication that the commissioner determines by rule is not an electioneering communication.

(17) "Elector" means an individual qualified to vote under state law.

(18) (a) "Expenditure" means a purchase, payment, distribution, loan, advance, promise, pledge, or gift of money or anything of value:

(i) made by a candidate or political committee to support or oppose a candidate or a ballot issue; or

(ii) used or intended for use in making independent expenditures or in producing electioneering communications.

(b) The term does not mean:

(i) services, food, or lodging provided in a manner that they are not contributions under subsection (9);

(ii) payments by a candidate for personal travel expenses, food, clothing, lodging, or personal necessities for the candidate and the candidate's family;

(iii) the cost of any bona fide news story, commentary, blog, or editorial distributed through the facilities of any broadcasting station, newspaper, magazine, or other periodical publication of general circulation; or

(iv) the cost of any communication by any membership organization or corporation to its members or stockholders or employees; or

(v) *the use of a person's real property for a fundraising reception or other political event.*

(c) This definition does not apply to Title 13, chapter 37, part 6.

(19) "Federal election" means an election in even-numbered years in which an elector may vote for individuals for the office of president of the United States or for the United States congress.

(20) "General election" means an election that is held for offices that first appear on a primary election ballot, unless the primary is canceled as authorized by law, and that is held on a date specified in 13-1-104.

(21) "Inactive elector" means an individual who failed to respond to confirmation notices and whose name was placed on the inactive list pursuant to 13-2-220 or 13-19-313.

(22) "Inactive list" means a list of inactive electors maintained pursuant to 13-2-220 or 13-19-313.

(23) (a) "Incidental committee" means a political committee that is not specifically organized or operating for the primary purpose of supporting or opposing candidates or ballot issues but that may incidentally become a political committee by receiving a contribution or making an expenditure.

(b) For the purpose of this subsection (23), the primary purpose is determined by the commissioner by rule and includes criteria such as the allocation of budget, staff, or members' activity or the statement of purpose or goal of the person or individuals that form the committee.

(24) "Independent committee" means a political committee organized for the primary purpose of receiving contributions and making expenditures that is not controlled either directly or indirectly by a candidate and that does not coordinate with a candidate in conjunction with the making of expenditures except pursuant to the limits set forth in 13-37-216(1).

(25) "Independent expenditure" means an expenditure for an election communication to support or oppose a candidate or ballot issue made at any time that is not coordinated with a candidate or ballot issue committee.

(26) "Individual" means a human being.

(27) "Legally registered elector" means an individual whose application for voter registration was accepted, processed, and verified as provided by law.

(28) "Mail ballot election" means any election that is conducted under Title 13, chapter 19, by mailing ballots to all active electors.

(29) "Person" means an individual, corporation, association, firm, partnership, cooperative, committee, including a political committee, club, union, or other organization or group of individuals or a candidate as defined in subsection (8).

(30) "Place of deposit" means a location designated by the election administrator pursuant to 13-19-307 for a mail ballot election conducted under Title 13, chapter 19.

(31) (a) "Political committee" means a combination of two or more individuals or a person other than an individual who receives a contribution or makes an expenditure:

(i) to support or oppose a candidate or a committee organized to support or oppose a candidate or a petition for nomination;

(ii) to support or oppose a ballot issue or a committee organized to support or oppose a ballot issue; or

(iii) to prepare or disseminate an election communication, an electioneering communication, or an independent expenditure.

(b) Political committees include ballot issue committees, incidental committees, independent committees, and political party committees.

(c) A candidate and the candidate's treasurer do not constitute a political committee.

(d) A political committee is not formed when a combination of two or more individuals or a person other than an individual makes an election communication, an electioneering communication, or an independent expenditure of \$250 or less.

(32) "Political party committee" means a political committee formed by a political party organization and includes all county and city central committees.

(33) "Political party organization" means a political organization that:

(a) was represented on the official ballot in either of the two most recent statewide general elections; or

(b) has met the petition requirements provided in Title 13, chapter 10, part 5.

(34) "Political subdivision" means a county, consolidated municipal-county government, municipality, special purpose district, or any other unit of government, except school districts, having authority to hold an election.

(35) "Polling place election" means an election primarily conducted at polling places rather than by mail under the provisions of Title 13, chapter 19.

(36) "Primary" or "primary election" means an election held on a date specified in 13-1-107 to nominate candidates for offices filled at a general election.

(37) "Provisional ballot" means a ballot cast by an elector whose identity or eligibility to vote has not been verified as provided by law.

(38) "Provisionally registered elector" means an individual whose application for voter registration was accepted but whose identity or eligibility has not yet been verified as provided by law.

(39) "Public office" means a state, county, municipal, school, or other district office that is filled by the people at an election.

(40) "Random-sample audit" means an audit involving a manual count of ballots from designated races and ballot issues in precincts selected through a random process as provided in 13-17-503.

(41) "Registrar" means the county election administrator and any regularly appointed deputy or assistant election administrator.

(42) "Regular school election" means the school trustee election provided for in 20-20-105(1).

(43) "School election" has the meaning provided in 20-1-101.

(44) "School election filing officer" means the filing officer with whom the declarations for nomination for school district office were filed or with whom the school ballot issue was filed.

(45) "School recount board" means the board authorized pursuant to 20-20-420 to perform recount duties in school elections.

(46) "Signature envelope" means an envelope that contains a secrecy envelope and ballot and that is designed to:

(a) allow election officials, upon examination of the outside of the envelope, to determine that the ballot is being submitted by someone who is in fact a qualified elector and who has not already voted; and

(b) allow it to be used in the United States mail.

(47) "Special election" means an election held on a day other than the day specified for a primary election, general election, or regular school election.

(48) "Special purpose district" means an area with special boundaries created as authorized by law for a specialized and limited purpose.

(49) "Statewide voter registration list" means the voter registration list established and maintained pursuant to 13-2-107 and 13-2-108.

(50) "Support or oppose", including any variations of the term, means:

(a) using express words, including but not limited to "vote", "oppose", "support", "elect", "defeat", or "reject", that call for the nomination, election, or defeat of one or more clearly identified candidates, the election or defeat of one or more political parties, or the passage or defeat of one or more ballot issues submitted to voters in an election; or

(b) otherwise referring to or depicting one or more clearly identified candidates, political parties, or ballot issues in a manner that is susceptible of no reasonable interpretation other than as a call for the nomination, election, or defeat of the candidate in an election, the election or defeat of the political party, or the passage or defeat of the ballot issue or other question submitted to the voters in an election.

(51) "Valid vote" means a vote that has been counted as valid or determined to be valid as provided in 13-15-206.

(52) "Voted ballot" means a ballot that is:

(a) deposited in the ballot box at a polling place;

(b) received at the election administrator's office; or

(c) returned to a place of deposit.

(53) "Voter interface device" means a voting system that:

(a) is accessible to electors with disabilities;

(b) communicates voting instructions and ballot information to a voter;

(c) allows the voter to select and vote for candidates and issues and to verify and change selections; and

(d) produces a paper ballot that displays electors' choices so the elector can confirm the ballot's accuracy and that may be manually counted.

(54) "Voting system" or "system" means any machine, device, technology, or equipment used to automatically record, tabulate, or process the vote of an elector cast on a paper ballot."

Section 2. Section 13-37-205, MCA, is amended to read:

"13-37-205. Campaign depositories. (1) Except as provided in 13-37-206, each candidate and each political committee shall designate one primary campaign depository for the purpose of depositing all contributions received and disbursing all expenditures made by the candidate or political committee.

(2) The candidate or political committee may also designate one secondary depository in each county in which an election is held and in which the candidate or committee participates. Deputy campaign treasurers may make deposits in and expenditures from secondary depositories when authorized to do so as provided in 13-37-202(2).

(3) Only a bank, credit union, savings and loan association, or building and loan association authorized to transact business in Montana may be designated as a campaign depository.

(4) The candidate or political committee shall file the name and address of each designated primary and secondary depository at the same time and with the same officer with whom the candidate or committee files the name of the candidate's or committee's campaign treasurer pursuant to 13-37-201.

(5) This section does not prevent a political committee or candidate from having more than one campaign account in the same depository, but a candidate may not utilize the candidate's regular or personal account in the depository as a campaign account.

(6) *A candidate for the legislature may use the same account in a campaign depository for primary election contributions received and general election contributions received and is not required to segregate the funds if:*

(a) *the candidate maintains records concerning whether contributions received are designated for the primary election or the general election; and*

(b) *the balance in the account that contains co-mingled primary election funds and general election funds does not drop below the amount of general election contributions received until after the day of the primary election.”*

Section 3. Section 13-37-216, MCA, is amended to read:

“13-37-216. Limitations on contributions – adjustment. (1) (a) Subject to adjustment as provided for in subsection (3) and subject to 13-35-227 and 13-37-219, aggregate contributions for each election in a campaign by a political committee or by an individual, other than the candidate, to a candidate are limited as follows:

(i) for candidates filed jointly for the office of governor and lieutenant governor, not to exceed ~~\$500~~ *\$1,000*;

(ii) for a candidate to be elected for state office in a statewide election, other than the candidates for governor and lieutenant governor, not to exceed ~~\$250~~ *\$700*;

(iii) for a candidate for any other public office, not to exceed ~~\$130~~ *\$400*.

(b) A contribution to a candidate includes contributions made to any political committee organized on the candidate’s behalf. A political committee that is not independent of the candidate is considered to be organized on the candidate’s behalf.

(2) All political committees except those of political party organizations are subject to the provisions of subsection (1). Political party organizations may form political committees that are subject to the following aggregate limitations, adjusted as provided for in subsection (3) and subject to 13-37-219, from all political party committees:

(a) for candidates filed jointly for the offices of governor and lieutenant governor, not to exceed ~~\$18,000~~ *\$100,000*;

(b) for a candidate to be elected for state office in a statewide election, other than the candidates for governor and lieutenant governor, not to exceed ~~\$6,500~~ *\$75,000*;

(c) for a candidate for public service commissioner, not to exceed ~~\$2,600~~ *\$15,000*;

(d) for a candidate for the state senate, not to exceed ~~\$1,050~~ *\$3,000*;

(e) for a candidate for any other public office, not to exceed ~~\$650~~ *\$2,000*.

(3) (a) The commissioner shall adjust the limitations in subsections (1) and (2) by multiplying each limit by an inflation factor, which is determined by dividing the consumer price index for June of the year prior to the year in which a general election is held by the consumer price index for June ~~2002~~ *2021*.

(b) The resulting figure must be rounded up or down to the nearest:

(i) \$10 increment for the limits established in subsection (1); and

(ii) \$50 increment for the limits established in subsection (2).

(c) The commissioner shall publish the revised limitations as a rule.

(4) A candidate may not accept any contributions, including in-kind contributions, in excess of the limits in this section.

(5) For purposes of this section, “election” means the general election or a primary election that involves two or more candidates for the same nomination. If there is not a contested primary, there is only one election to which the contribution limits apply. If there is a contested primary, then there are two elections to which the contribution limits apply.”

Section 4. Section 13-37-226, MCA, is amended to read:

“13-37-226. Time for filing reports. (1) Except as provided in 13-37-206 and 13-37-225(3), a candidate shall file reports required by 13-37-225(1)(a) containing the information required by 13-37-229, 13-37-231, and 13-37-232 as follows:

(a) quarterly, due on the 5th day following a calendar quarter, beginning with the calendar quarter in which funds are received or expended during the year or years prior to the election year that the candidate expects to be on the ballot and ending in the final quarter of the year preceding the year of an election in which the candidate participates;

(b) the 20th day of March, April, May, June, August, September, October, and November in the year of an election in which the candidate participates;

(c) within 2 business days of receiving a contribution of *\$100 \$250 or more if the candidate is a candidate for a statewide office or \$125 or more for any other candidate if the contribution is received between the 15th day of the month preceding an election in which the candidate participates and the day of before the election;*

(d) within 2 business days of making an expenditure of *\$100 \$250 or more if the candidate is a candidate for statewide office or \$125 or more for any other candidate* if made between the 15th day of the month preceding an election in which the candidate participates and the day *of before* the election;

(e) semiannually on the 10th day of March and September, starting in the year following an election in which the candidate participates until the candidate files a closing report as specified in 13-37-228(3); and

(f) as provided by subsection (3).

(2) Except as provided in 13-37-206, 13-37-225(3), and 13-37-227, a political committee shall file reports required by 13-35-225(1)(a) containing the information required by 13-37-229, 13-37-231, and 13-37-232 as follows:

(a) quarterly, due on the 5th day following a calendar quarter, beginning with the calendar quarter in which the political committee receives a contribution or makes an expenditure after an individual becomes a candidate or an issue becomes a ballot issue, as defined in 13-1-101(6)(b), and ending in the final quarter of the year preceding the year in which the candidate or the ballot issue appears on the ballot;

(b) the 30th day of March, April, May, June, August, September, October, and November in the year of an election in which the political committee participates;

(c) within 2 business days of receiving a contribution, except as provided in 13-37-232, of \$500 or more if received between the 25th day of the month before an election in which the political committee participates and the day *of before* the election; and

(d) within 2 business days of making an expenditure of \$500 or more that is made between the 25th day of the month before an election in which the political committee participates and the day *of before* the election;

(e) quarterly, due on the 5th day following a calendar quarter, beginning in the calendar quarter following a year of an election in which the political committee participates until the political committee files a closing report as specified in 13-37-228(3); and

(f) as provided by subsection (3).

(3) In addition to the reports required by subsections (1) and (2), if a candidate or a political committee participates in a special election, the candidate or political committee shall file reports as follows:

(a) a report on the 60th, 35th, and 12th days preceding the date of the special election; and

(b) 20 days after the special election.

(4) Except as provided by 13-37-206, candidates for a local office and political committees that receive contributions or make expenditures referencing a particular local issue or a local candidate shall file the reports specified in subsections (1) through (3) only if the total amount of contributions received or the total amount of funds expended for all elections in a campaign exceeds \$500.

(5) A report required by this section must cover contributions received and expenditures made pursuant to the time periods specified in 13-37-228.

(6) A political committee may file a closing report prior to the date in 13-37-228(3) and after the complete termination of its contribution and expenditure activity during an election cycle.

(7) For the purposes of this section:

(a) a candidate participates in an election by attempting to secure nomination or election to an office that appears on the ballot; and

(b) a political committee participates in an election by receiving a contribution or making an expenditure.”

Section 5. Section 13-37-229, MCA, is amended to read:

“13-37-229. Disclosure requirements for candidates, ballot issue committees, political party committees, and independent committees.

(1) The reports required under 13-37-225 through 13-37-227 from candidates, ballot issue committees, political party committees, and independent committees must disclose the following information concerning contributions received:

(a) the amount of cash on hand at the beginning of the reporting period;

(b) the full name, mailing address, occupation, and employer, if any, of each person who has made aggregate contributions, other than loans, of ~~\$35~~ \$50 or more to a candidate or political committee, including the purchase of tickets and other items for events, such as dinners, luncheons, rallies, and similar fundraising events;

(c) for each person identified under subsection (1)(b), the aggregate amount of contributions made by that person within the reporting period and the total amount of contributions made by that person for all reporting periods;

(d) the total sum of individual contributions made to or for a political committee or candidate and not reported under subsections (1)(b) and (1)(c);

(e) the name and address of each political committee or candidate from which the reporting committee or candidate received any transfer of funds, together with the amount and dates of all transfers;

(f) each loan from any person during the reporting period, together with the full names, mailing addresses, occupations, and employers, if any, of the lender and endorsers, if any, and the date and amount of each loan;

(g) the amount and nature of debts and obligations owed to a political committee or candidate, in the form prescribed by the commissioner;

(h) an itemized account of proceeds that total less than ~~\$35~~ \$50 from a person from mass collections made at fundraising events;

(i) each contribution, rebate, refund, or other receipt not otherwise listed under subsections (1)(b) through (1)(h) during the reporting period; *and*

(j) the total sum of all receipts received by or for the committee or candidate during the reporting period; *and*

~~(k) other information that may be required by the commissioner to fully disclose the sources of funds used to support or oppose candidates or issues.~~

(2) (a) Except as provided in subsection (2)(c), the reports required under 13-37-225 through 13-37-227 from candidates, ballot issue committees,

political party committees, and independent committees must disclose the following information concerning expenditures made:

(i) the full name, mailing address, occupation, and principal place of business, if any, of each person to whom expenditures have been made by the committee or candidate during the reporting period, including the amount, date, and purpose of each expenditure and the total amount of expenditures made to each person;

(ii) the full name, mailing address, occupation, and principal place of business, if any, of each person to whom an expenditure for personal services, salaries, and reimbursed expenses has been made, including the amount, date, and purpose of that expenditure and the total amount of expenditures made to each person;

(iii) the total sum of expenditures made by a political committee or candidate during the reporting period;

(iv) the name and address of each political committee or candidate to which the reporting committee or candidate made any transfer of funds, together with the amount and dates of all transfers;

(v) the name of any person to whom a loan was made during the reporting period, including the full name, mailing address, occupation, and principal place of business, if any, of that person and the full names, mailing addresses, occupations, and principal places of business, if any, of the endorers, if any, and the date and amount of each loan; *and*

(vi) the amount and nature of debts and obligations owed by a political committee or candidate in the form prescribed by the commissioner; ~~and~~

~~(vii) other information that may be required by the commissioner to fully disclose the disposition of funds used to support or oppose candidates or issues.~~

(b) Reports of expenditures made to a consultant, advertising agency, polling firm, or other person that performs services for or on behalf of a candidate or political committee must be itemized and described in sufficient detail to disclose the specific services performed by the entity to which payment or reimbursement was made.

(c) A candidate is required to report the information specified in this subsection (2) only if the transactions involved were undertaken for the purpose of supporting or opposing a candidate.

(3) *(a) Neither a candidate nor a political committee is required to report the following expenditures under the 2-business-day reporting requirements in 13-37-226(1)(d) and 13-37-226(2)(d):*

(i) bookkeeping expenses paid to track and ensure campaign finance compliance; and

(ii) payroll expenditures.

(b) A candidate and a political committee is not relieved of the duty to report the expenditures listed in subsection (3)(a) in the next periodic report.

(4) A candidate is not required to report:

(a) contributions received from a political party committee for compensation of the personal services of another person that are rendered to the candidate if the political party committee reports the amount of contributions made to the candidate in the form of personal services; and

(b) tangible campaign materials such as campaign signage, literature, or photographs produced for a previous campaign or video produced for a previous campaign if the expenditures to produce the tangible materials or video were reported in a previous campaign by the candidate."

Section 6. Section 13-37-232, MCA, is amended to read:

"13-37-232. Disclosure requirements for incidental committees.

(1) A combination of two or more individuals or a person other than an

individual that would otherwise qualify as an incidental committee but that receives less than \$250 in contributions or that makes less than \$250 in expenditures does not form a political committee and is not required to file as an incidental committee.

(2) The reports required under 13-37-225 through 13-37-227 from incidental committees must disclose the following information concerning contributions to the committee that are designated by the contributor for a specified candidate, ballot issue, or petition for nomination or that are made by the contributor in response to an appeal by the incidental committee for contributions to support incidental committee election activity, including in-kind expenditures, independent expenditures, election communications, or electioneering communications:

(a) the full name, mailing address, occupation, and employer, if any, of each person who has made aggregate contributions during the reporting period for a specified candidate, ballot issue, or petition for nomination of \$35 or more;

(b) for each person identified under subsection (1)(a) (2)(a), the aggregate amount of contributions made by that person for all reporting periods;

(c) each loan received from any person during the reporting period for a specified candidate, ballot issue, or petition for nomination, together with the full names, mailing addresses, occupations, and employers, if any, of the lender and endorsers, if any, and the date and amount of each loan;

(d) the amount and nature of debts and obligations owed to an incidental committee for a specified candidate, ballot issue, or petition for nomination in the form prescribed by the commissioner;

(e) an account of proceeds that total less than \$35 per person from mass collections made at fundraising events sponsored by the incidental committee for a specified candidate, ballot issue, or petition for nomination; and

(f) the total sum of all contributions received by or designated for the incidental committee for a specified candidate, ballot issue, or petition for nomination during the reporting period.

(2)(3) The reports required under 13-37-225 through 13-37-227 from incidental committees must disclose the following information concerning expenditures made:

(a) the full name, mailing address, occupation, and principal place of business, if any, of each person to whom expenditures have been made during the reporting period, including the amount, date, and purpose of each expenditure and the total amount of expenditures made to each person;

(b) the full name, mailing address, occupation, and principal place of business, if any, of each person to whom an expenditure for personal services, salaries, and reimbursed expenses has been made during the reporting period, including the amount, date, and purpose of that expenditure and the total amount of expenditures made to each person;

(c) the total sum of expenditures made during the reporting period;

(d) the name and address of each political committee or candidate to which the reporting committee made any transfer of funds together with the amount and dates of all transfers;

(e) the name of any person to whom a loan was made during the reporting period, including the full name, mailing address, occupation, and principal place of business, if any, of that person, and the full names, mailing addresses, occupations, and principal places of business, if any, of the endorsers, if any, and the date and amount of each loan;

(f) the amount and nature of debts and obligations owed by a political committee in the form prescribed by the commissioner; and

(g) other information that may be required by the commissioner to fully disclose the disposition of funds used to make expenditures.

(3)(4) Reports of expenditures made to a consultant, advertising agency, polling firm, or other person that performs services for or on behalf of an incidental committee must be itemized and described in sufficient detail to disclose the specific services performed by the entity to which payment or reimbursement was made.

(4)(5) An incidental committee that does not receive contributions for a specified candidate, ballot issue, or petition for nomination and that does not solicit contributions for incidental committee election activity, including in-kind expenditures, independent expenditures, election communications, or electioneering communications, is required to report only its expenditures.”

Section 7. The commissioner of political practices shall amend ARM 44.11.502 to read:

“44.11.502 EXPENDITURES, REPORTING (1) A campaign expense paid personally by an individual in his or her own campaign is always coordinated with, and is a campaign expense of, the campaign that must be reported and disclosed as an expense by the campaign in the same manner as an expense paid through the campaign depository account.

(2) An obligation to pay for a campaign expenditure is incurred on the date the obligation is made, and shall be reported as a debt of the campaign until the campaign pays the obligation by making an expenditure.

(3) An expenditure is made on the date payment is made, or in the case of an in-kind expenditure, on the date the consideration is given.

(4) The date of each expenditure shall be reported in the reporting period during which it is made.

(5) Expenditures made from the petty cash fund need not be reported, except that an accounting shall be maintained pursuant to ARM 44.11.409.

(6) All expenditures must be supported by a contemporaneous written agreement, invoice, billing statement, or similar documentation appropriate to the transaction that describes the services provided, the billing period identifying the specific dates on which services were provided, an itemized basis for the payments made, and other pertinent information.

~~(7) For purposes of the disclosure requirements of 13-37-229 and 13-37-232, MCA, the “purpose” of each expenditure as reported on the commissioner’s campaign finance reporting forms shall specifically describe the purpose, quantity, subject matter, as appropriate to each expenditure, and must be detailed enough to distinguish among expenditures for similar purposes. For example, two expenditures for direct mail advertisements should not both be reported as “Flyers.”~~

(8)(7) Reporting independent expenditures:

(a) shall be reported in accordance with the procedures for reporting other expenditures;

(b) a person making an independent expenditure shall report the name of the candidate or committee the independent expenditure was intended to benefit, and the fact that the expenditure was independent; and

(c) the candidate or political committee benefiting from the independent expenditure does not have to report the expenditure.

(9)(8) For the purposes of 13-37-226, MCA:

(a) the reports required to be filed within two business days shall be filed electronically, pursuant to ARM 44.11.302; and

(b) all expenditures and contributions reported under (a) shall also be included on the post-election report.”

Section 8. Repealer. The following sections of the Montana Code Annotated are repealed:

13-37-210. Naming and labeling of political committees.

13-37-218. Limitations on receipts from political committees.

Approved May 14, 2021

CHAPTER NO. 572

[SB 316]

AN ACT GENERALLY REVISING CIVIL LAWS; REVISING LAWS RELATED TO THE USE OF FUNDS FOR PROPERTY RESTORATION; REVISING THE LIABILITY STANDARD USED IN REMEDIAL ACTIONS IN THE COMPREHENSIVE ENVIRONMENTAL CLEANUP AND RESPONSIBILITY ACT; REQUIRING THAT AWARDS AND SETTLEMENT FUNDS FOR RESTORATION DAMAGES ARE USED FOR CORRECTIVE ACTION ON PROPERTY; REQUIRING FUNDS TO BE PLACED IN ESCROW OR TRUST ACCOUNTS AND USED FOR INTENDED PURPOSES; PROVIDING OTHER CRITERIA RELATED TO THE USE OF THE FUNDS; PROVIDING FOR RESTORATION DAMAGES; PROVIDING DEFINITIONS; AMENDING SECTION 75-10-711, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.

Be it enacted by the Legislature of the State of Montana:

Section 1. Restoration damages. (1) Except as provided in subsections (2) and (3), this section applies to civil claims brought in judicial proceedings on behalf of individuals and entities for the recovery of restoration damages to address impacts to real property caused by releases of hazardous or deleterious substances.

(2) Restoration damages may be awarded only for a claim alleging contamination of special use property and may be obtained only in accordance with the definitions and other requirements set forth in this section. The plaintiff bears the burden of proof to show that the property meets the definition of special use property.

(3) Restoration damages may not be awarded or used to alter an interim or final remedial action that has been or will be undertaken on, or will benefit, a special use property pursuant to any of the following authorities:

(a) a federal administrative order issued pursuant to 42 USC 9601, et seq., as of March 27, 2021;

(b) a state administrative order issued pursuant to this part;

(c) a judicially approved consent decree; or

(d) any other interim or final remedial action plan approved by the department pursuant to state statutory or administrative law.

(4) (a) Restoration damages awarded pursuant to subsection (2), exclusive of awards of attorney fees and costs, may be used only to conduct remedial and corrective action necessary to restore the special use property for which the damages were awarded. Restoration must commence within 3 years from the date the judgment is paid or settlement proceeds are received.

(b) If any awarded restoration damages remain after completion of the restoration work, the surplus must be refunded to the defendant. If the defendant is no longer viable or cannot be found, the funds must be remitted to the department.

(5) Any party may request that a court awarding restoration damages also order that those damages be deposited in a segregated trust or escrow account at a commercial bank or trust company to ensure compliance with subsection (4)(a). The plaintiff may create a trust or escrow account to be overseen by a qualified professional to restore the special use property.

(6) Nothing in this section precludes the award of other damages allowed under common law and statute.

(7) As used in this section, the following definitions apply:

(a) "Qualified professional" means a person who possesses sufficient specific education, training, and experience necessary to exercise professional judgment to design and oversee implementation of a restoration plan.

(b) "Restoration damages" means the amount of compensation determined reasonably necessary by a trier of fact to restore a contaminated special use property to its function, use, or condition prior to the contamination on which a civil claim is based, unless contamination was present at the time the plaintiff acquired the special use property, in which case the term means the amount of compensation determined necessary by a trier of fact to restore a contaminated special use property to the function, use, or condition that existed at the time the plaintiff acquired the special use property.

(c) "Special use property" means real property contaminated by a release of a hazardous or deleterious substance that is found by a trier of fact to have objectively reasonable personal value to the plaintiff not reflected in the market value of the property or to have unique public, historic, cultural, or religious value not reflected in the market value of the property.

Section 2. Section 75-10-711, MCA, is amended to read:

"75-10-711. Remedial action -- orders -- penalties -- judicial proceedings. (1) The department may take remedial action whenever:

(a) there has been a release or there is a substantial threat of a release into the environment that may present an imminent and substantial endangerment to the public health, safety, or welfare or to the environment; and

(b) none of the persons who are liable or potentially liable under 75-10-715(1) and who have been given the opportunity by letter to properly and expeditiously perform the appropriate remedial action will properly and expeditiously perform the appropriate remedial action. Any person liable under 75-10-715(1) shall take immediate action to contain, remove, and abate the release.

(2) Whenever the department is authorized to act pursuant to subsection (1) or has reason to believe that a release has occurred or is about to occur, the department may undertake remedial action in the form of any investigation, monitoring, survey, testing, or other information gathering as authorized by 75-10-707 that is necessary and appropriate to identify the existence, nature, origin, and extent of the release or the threat of release and the extent and imminence of the danger to the public health, safety, or welfare or to the environment.

(3) Except as provided in 75-10-712, the department is authorized to draw on the fund to take action under subsection (1) if it has made diligent good faith efforts to determine the identity of the person or persons liable for the release or threatened release and:

(a) is unable to determine the identity of the liable person or persons in a manner consistent with the need to take timely remedial action; or

(b) a person or persons determined by the department to be liable or potentially liable under 75-10-715(1) have been informed in writing of the department's determination and have been requested by the department to

take appropriate remedial action but are unable or unwilling to take action in a timely manner; and

(c) the written notice informs the person that if subsequently found liable pursuant to 75-10-715(1), the person may be required to reimburse the fund for the state's remedial action costs and may be subject to penalties pursuant to this part.

(4) Whenever the department is authorized to act pursuant to subsection (1), it may issue to any person liable under 75-10-715(1) cease and desist, remedial, or other orders as may be necessary or appropriate to protect the public health, safety, or welfare or the environment.

(5) (a) A person who violates or fails to comply with or refuses to comply with an order issued under 75-10-707 or this section may, in an action brought to enforce the order, be assessed a civil penalty of not more than \$10,000 for each day in which a violation occurs or a failure or refusal to comply continues. In determining the amount of any penalty assessed, the court may take into account:

- (i) the nature, circumstances, extent, and gravity of the noncompliance;
- (ii) with respect to the person liable under 75-10-715(1):
 - (A) the person's ability to pay;
 - (B) any prior history of violations;
 - (C) the degree of culpability; and
 - (D) the economic benefit or savings, if any, resulting from the noncompliance; and
- (iii) any other matters as justice may require.

(b) Civil penalties collected under subsection (5)(a) must be deposited into the environmental quality protection fund established in 75-10-704.

(6) A court has jurisdiction to review an order issued under 75-10-707 or this section only in the following actions:

(a) an action under 75-10-715 to recover remedial action costs or penalties or for contribution;

(b) an action to enforce an order issued under 75-10-707 or this section;

(c) an action to recover a civil penalty for violation of or failure or refusal to comply with an order issued under 75-10-707 or this section; or

(d) an action by a person to whom an order has been issued to determine the validity of the order, only if the person has been in compliance and continues in compliance with the order pending a decision of the court.

(7) In considering objections raised in a judicial action regarding orders issued under this part, the court shall uphold and enforce an order issued by the department unless the objecting party can demonstrate, on the administrative record, that the department's decision to issue the order was arbitrary and capricious or otherwise not in accordance with law.

(8) Instead of issuing a notification or an order under this section, the department may bring an action for legal or equitable relief in the district court of the county where the release or threatened release occurred or in the first judicial district as may be necessary to abate any imminent and substantial endangerment to the public health, safety, or welfare or to the environment resulting from the release or threatened release.

(9) A person who is not subject to an administrative or judicial order may not conduct any remedial action at any facility that is subject to an administrative or judicial order issued pursuant to this part without the written permission of the department. If a state or federal administrative or judicial order is issued relative to a facility, the order and any remedial activity conducted pursuant to the order may be admissible in a civil action pertaining to the facility or property adjacent to or allegedly impacted by the

facility provided that the reviewing court in its discretion determines the order to be relevant and ~~more probative than prejudicial~~ *the probative value is not substantially outweighed by the danger of unfair prejudice*. Admission of this evidence does not make the department a necessary party to the action. Remedial action performed in accordance with this part is intended to provide for the protection of the environmental life support system from degradation and to prevent unreasonable depletion and degradation of natural resources.

(10) The department may take remedial action pursuant to subsection (1) at a site that is regulated under the federal Comprehensive Environmental Response, Compensation, and Liability Act of 1980, Public Law 96-510, if the department determines that remedial action is necessary to carry out the purposes of this part.

(11) The department may take remedial action as provided for in 75-10-743(12)."

Section 3. Codification instruction. (1) [Section 1] is intended to be codified in Title 75, chapter 10, part 7, and the provisions of Title 75, chapter 10, part 7, apply to [section 1].

Section 4. Saving clause. [This act] does not affect proceedings that were begun before [the effective date of this act].

Section 5. Effective date. [This act] is effective on passage and approval.

Approved May 14, 2021

CHAPTER NO. 573

[HB 2]

AN ACT APPROPRIATING MONEY TO VARIOUS STATE AGENCIES FOR THE BIENNIUM ENDING JUNE 30, 2023; AND PROVIDING AN EFFECTIVE DATE.

Be it enacted by the Legislature of the State of Montana:

Section 1. Short title. [This act] may be cited as "The General Appropriations Act of 2021".

Section 2. First level expenditures. The agency and program appropriation tables in the legislative fiscal analyst narrative accompanying this bill, showing first level expenditures and funding for the 2023 biennium, are adopted as legislative intent.

Section 3. Severability. If any section, subsection, sentence, clause, or phrase of [this act] is for any reason held unconstitutional, the decision does not affect the validity of the remaining portions of [this act].

Section 4. Appropriation control. An appropriation item designated "Biennial" may be spent in either year of the biennium. An appropriation item designated "Restricted" may be used during the biennium only for the purpose designated by its title and as presented to the legislature. An appropriation item designated "One Time Only" or "OTO" may not be included in the present law base for the 2025 biennium. The office of budget and program planning shall establish a separate appropriation on the statewide accounting, budgeting, and human resource system for any item designated "Biennial", "Restricted", "One Time Only", or "OTO". The office of budget and program planning shall establish at least one appropriation on the statewide accounting, budgeting, and human resource system for any appropriation that appears as a separate line item in [this act].

Section 5. Appropriation control. The office of budget and program planning shall establish a separate appropriation on the statewide accounting,

budgeting, and human resource system for the funding included in each executive branch agency's budget to pay fixed cost allocations for the state information technology services division of the department of administration. The appropriations must be designated as restricted.

Section 6. Program definition. As used in [this act], "program", which has the same meaning as defined in 17-7-102, is consistent with the management and accountability structure established on the statewide accounting, budgeting, and human resource system, and is identified as a major subdivision of an agency ordinarily numbered with an Arabic numeral.

Section 7. Personal services funding – 2025 biennium. (1) Except as provided in subsection (2), present law and new proposal funding budget requests for the 2023 biennium submitted under Title 17, chapter 7, part 1, by each executive, judicial, and legislative branch agency must include funding of first level personal services separate from funding of other expenditures. The funding of first level personal services by fund or equivalent for each fiscal year must be shown at the fourth reporting level or equivalent in the budget request for the 2025 biennium submitted by November 1 to the legislative fiscal analyst by the office of budget and program planning.

(2) The provisions of subsection (1) do not apply to the Montana university system.

Section 8. Budget amendment eligibility. If a state special revenue fund is specifically identified and referenced in [section 11] and eligible for budget amendments in the 2023 biennium, the base budget for the 2025 biennium will be established using the higher of the fiscal year 2023 biennium appropriation in House Bill No. 2 or the fiscal year 2022 actual expenditure level to include expenditures associated with budget amendments as defined in Senate Bill No. 191.

Section 9. Totals not appropriations. The totals shown in [this act] are for informational purposes only and are not appropriations.

Section 10. Effective date. [This act] is effective July 1, 2021.

Section 11. Appropriations. The following money is appropriated for the respective fiscal years:

General Fund	State Special Revenue	Fiscal 2022			Total	General Fund	State Special Revenue	Fiscal 2023			Total
		Special Revenue	Proprietary	Other				Special Revenue	Proprietary	Other	
A. GENERAL GOVERNMENT											
LEGISLATIVE BRANCH (11040)											
1. Legislative Services Division (20)											
10,223,417	509,086	0	0	0	10,732,503	10,986,583	153,992	0	0	0	11,140,575
a. New Automation Systems and System Upgrades (OTO)											
962,696	0	0	0	0	962,696	137,304	0	0	0	0	137,304
b. Additional Committee Activities (OTO)											
0	42,125	0	0	0	42,125	0	0	0	0	0	0
c. Session System Replacement and Website Integration (OTO)											
100,000	0	0	0	0	100,000	100,000	0	0	0	0	100,000
d. Retirement Termination Payouts (OTO)											
300,000	0	0	0	0	300,000	0	0	0	0	0	0
e. Capitol Technical Support											
0	100,000	0	0	0	100,000	0	100,000	0	0	0	100,000
2. Legislative Committees and Activities (21)											
1,112,352	0	0	0	0	1,112,352	922,123	0	0	0	0	922,123
a. Redistricting and Apportionment Commission (OTO)											
101,000	0	0	0	0	101,000	0	0	0	0	0	0
b. Additional Committee Activities (OTO)											
0	125,000	0	0	0	125,000	0	0	0	0	0	0
c. Committee on Judicial Accountability/HB 483 (Restricted/Biennial/OTO)											
285,496	0	0	0	0	285,496	0	0	0	0	0	0
3. Fiscal Analysis and Review (27)											
2,353,654	0	0	0	0	2,353,654	2,459,173	0	0	0	0	2,459,173
4. Audit and Examination (28)											
2,901,522	2,131,042	0	0	0	5,032,564	2,936,151	2,131,380	0	0	0	5,067,531
a. Additional Audit Requirements for HB 632 (OTO)											
0	50,225	0	0	0	50,225	0	50,225	0	0	0	50,225

	Fiscal 2022			Fiscal 2023								
	General Fund	State Special Revenue	Federal Special Revenue	General Fund	State Special Revenue	Federal Special Revenue						
Total	18,340,137	2,957,478	0	0	21,297,615	17,541,334	2,435,597	0	0	0	19,976,931	
All appropriations for the Legislative Branch are biennial.												
It is the intent of the Legislature that the Legislative Services Division may collect fees for deposit in a state special revenue account for the development, coordination, and support of remote and hybrid meetings conducted in the Capitol. Legislative meetings would not be subject to the fees.												
CONSUMER COUNSEL (11120)												
1. Administration Program (01)	0	1,540,799	0	0	0	1,540,799	0	1,544,885	0	0	0	1,544,885
a. Caseload Contingency (Restricted/Biennial)	0	150,000	0	0	0	150,000	0	150,000	0	0	0	150,000
Total	0	1,690,799	0	0	0	1,690,799	0	1,694,885	0	0	0	1,694,885
GOVERNOR'S OFFICE (31010)												
1. Executive Office Program (01)	3,287,176	0	0	0	0	3,287,176	3,337,208	0	0	0	0	3,337,208
a. Administrative Rule and Government Efficiency Initiatives (OTO)	322,498	0	0	0	0	322,498	320,945	0	0	0	0	320,945
2. Executive Residence Operations (02)	179,846	0	0	0	0	179,846	184,382	0	0	0	0	184,382
3. Office of Budget and Program Planning (04)	2,452,650	0	0	0	0	2,452,650	2,501,804	0	0	0	0	2,501,804
a. Legislative Audit (Restricted/Biennial)	77,593	0	0	0	0	77,593	0	0	0	0	0	0
b. Administrative Rule and Government Efficiency Initiatives (OTO)	180,000	0	0	0	0	180,000	180,000	0	0	0	0	180,000
c. Internal Audit Management (Restricted/Biennial/OTO)	125,000	0	0	0	0	125,000	125,000	0	0	0	0	125,000

	Fiscal 2022			Fiscal 2023			
	General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total	Total
4. Office of Indian Affairs (05)							
214,116	50,000	0	0	0	0	264,116	269,380
5. Mental Disabilities Board of Visitors (20)							
495,591	0	0	0	0	0	495,591	508,270
Total							
7,384,470	50,000	0	0	0	0	7,384,470	7,426,989
SECRETARY OF STATE (32010)							
1. Business and Government Services (01)							
0	0	0	0	0	0	0	0
a. Election Litigation (Restricted/Biennial/OTO)							
100,000	0	0	0	0	0	100,000	0
Total							
100,000	0	0	0	0	0	100,000	0
COMMISSIONER OF POLITICAL PRACTICES (32020)							
1. Administration (01)							
674,116	0	0	0	0	0	674,116	690,730
a. Legislative Audit (Restricted/Biennial)							
17,243	0	0	0	0	0	17,243	0
b. Attorney Position (OTO)							
118,749	0	0	0	0	0	118,749	118,840
Total							
810,108	0	0	0	0	0	810,108	809,570
OFFICE OF THE STATE AUDITOR (34010)							
1. Central Management (01)							
0	1,980,415	0	0	0	0	1,980,415	1,983,214

	Fiscal 2022			Fiscal 2023		
	General Fund	State Special Revenue	Total	General Fund	State Special Revenue	Total
a. Legislative Audit (Restricted/Biennial)	0	13,422	13,422	0	0	0
2. Insurance Program (03)	0	15,168,086	49,268,086	0	15,179,281	49,279,281
a. Legislative Audit (Restricted/Biennial)	0	38,587	38,587	0	0	0
3. Securities (04)	0	1,349,916	1,349,916	0	1,353,202	1,353,202
a. Legislative Audit (Restricted/Biennial)	0	10,066	10,066	0	0	0
Total	0	18,560,492	52,660,492	0	18,515,697	52,615,697
Central Management includes a reduction in state special revenue of \$65,004 in FY 2022 and \$65,185 in FY 2023. The reduction is the equivalent of an additional 1% vacancy savings. The agency may allocate this reduction in funding among programs when developing 2023 biennium operating plans.						
DEPARTMENT OF REVENUE (58010)						
1. Director's Office (01)	7,753,257	204,154	8,112,863	7,927,599	204,154	8,287,205
a. Legislative Audit (Restricted/Biennial)	206,915	0	206,915	0	0	0
2. Technology Services Division (02)	8,084,117	83,855	8,423,914	8,241,563	83,855	8,581,360
3. Alcoholic Beverage Control Division (03)	0	0	3,157,818	0	0	3,165,056
a. ABCD Overtime of Personal Services (OTO)	0	0	65,000	0	0	65,000
b. ABCD Termination Payout of Personal Services (OTO)	0	0	60,000	0	0	60,000

	Fiscal 2022				Fiscal 2023							
	General Fund	State Special Revenue	Federal Special Revenue	and Collections Division (05)	General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total		
4. Information Management and Collections Division (05)	6,482,582	53,487	0	16,623	0	6,552,692	6,638,748	53,487	0	16,623	0	6,708,858
5. Business and Income Taxes Division (07)	11,137,457	634,854	279,825	0	0	12,052,136	11,421,732	634,854	279,839	0	0	12,336,425
6. Property Assessment Division (08)	22,526,489	17,276	0	0	0	22,543,765	23,213,330	17,276	0	0	0	23,230,606
Total	56,190,817	993,626	279,825	3,710,835	0	61,175,103	57,442,972	993,626	279,839	3,718,073	0	62,434,510
The Alcoholic Beverage Control Division is appropriated \$170 million each year of the 2023 biennium from the liquor enterprise fund to maintain adequate inventories necessary to meet statutory requirements, to pay freight costs, and to transfer profits and taxes to appropriate accounts.												
Up to \$2.0 million in the general fund is appropriated to the Director's Office of the Department of Revenue for the biennium beginning July 1, 2021, to pay settlements required under 15-1-402(6)(d)(i)(A).												
The Director's Office includes a reduction in general fund of \$470,884 in FY 2022 and \$472,352 in FY 2023. The reduction is the equivalent of an additional 1% vacancy savings. The agency may allocate this reduction in funding among programs when developing 2023 biennium operating plans.												
DEPARTMENT OF ADMINISTRATION (61010)												
1. Director's Office (01)												
9,094,743	0	12,707	0	0	0	9,107,450	9,454,934	0	12,707	0	0	9,467,641
a. Legislative Audit (Restricted/Biennial)												
74,812	0	0	0	0	0	74,812	0	0	0	0	0	0
2. State Financial Services Division (03)												
2,993,348	155,748	5,828	52,080	0	0	3,207,004	3,059,379	159,784	5,828	52,099	0	3,277,090
a. Legislative Audit (Restricted/Biennial)												
0	271	0	0	0	0	271	0	0	0	0	0	0
3. Architecture and Engineering Division (04)												
0	2,390,093	0	0	0	0	2,390,093	0	2,406,683	0	0	0	2,406,683
a. Legislative Audit (Restricted/Biennial)												
0	3,292	0	0	0	0	3,292	0	0	0	0	0	0

	<u>Fiscal 2022</u>				<u>Fiscal 2023</u>			
	<u>General Fund</u>	<u>State Special Revenue</u>	<u>Federal Special Revenue</u>	<u>Total</u>	<u>General Fund</u>	<u>State Special Revenue</u>	<u>Federal Special Revenue</u>	<u>Total</u>
4. State Information Technology Services Division (07)								
188,640	0	0	0	188,640	191,008	0	0	191,008
5. Banking and Financial Institutions Division (14)								
0	4,406,336	0	0	4,406,336	0	4,432,932	0	4,432,932
a. Legislative Audit (Restricted/Biennial)								
0	6,399	0	0	6,399	0	0	0	0
6. Montana State Lottery (15)								
0	0	0	6,045,208	6,045,208	0	0	0	6,054,364
a. Legislative Audit (Restricted/Biennial)								
0	0	0	143,132	143,132	0	0	0	0
7. State Human Resources Division (23)								
1,637,836	0	0	0	1,637,836	1,669,724	0	0	1,669,724
8. Montana Tax Appeal Board (37)								
672,895	0	0	0	672,895	685,178	0	0	685,178
Total	14,662,274	6,962,139	18,535	27,883,368	15,060,223	6,999,399	18,535	28,184,620

It is the intent of the Legislature that, for each quarter in FY 2022, the State Information Technology Services Division shall report to the Legislative Finance

Committee on:

- (1) the amount of staff time the division has provided in serving each agency for the most recently completed quarter; and
- (2) the hourly and sub-hourly rates charged to each agency for each service in that quarter.

The 30-day working capital reserve used to establish State Information Technology Services Division rates for state agencies included in HB 2 must be based on personal services of \$16,928,330 in FY 2022 and \$16,926,864 in FY 2023, operating expenses of \$34,152,168 in FY 2022 and \$34,594,998 in FY 2023, equipment and intangible assets of \$370,861 in FY 2022 and \$370,861 in FY 2023, and debt service of \$2,360,000 in FY 2022 and \$1,170,000 in FY 2023. The State Information Technology Services Division shall report to the Legislative Finance Committee at its June 2021 meeting on how it implemented the state agency rates for information technology services. The State Information Technology Services Division shall also report any adjustments to state agency rates for information technology or changes of 5.0% or greater to each expenditure category at each subsequent meeting of the Legislative Finance Committee.

The Director's Office includes a reduction in general fund of \$50,087 in FY 2022 and \$50,299 in FY 2023. The State Financial Services Division includes a reduction in state special revenue of \$40,985 in FY 2022 and \$38,291 in FY 2023 and proprietary fund of \$28,681 in FY 2022 and \$28,759 in FY 2023. The reduction

General Fund	Fiscal 2022			Total	General Fund	Fiscal 2023					
	State Special Revenue	Federal Special Revenue	Other			State Special Revenue	Federal Special Revenue	Other			
is the equivalent of an additional 1% vacancy savings. The agency may allocate this reduction in funding among programs when developing 2023 biennium operating plans.											
The Director's Office includes a one-time-only general fund reduction of \$5,766,789 in FY 2022 and \$8,208,051 in FY 2023 for the transfer to the capital development account.											
It is the intent of the Legislature that the Department of Administration transition all statewide workforce training from the Professional Development Center to the private sector, universities, or colleges by the end of the 2023 biennium. It is the intent of the Legislature that the Professional Development Center be closed by the end of the 2023 biennium.											
DEPARTMENT OF COMMERCE (65010)											
1. Office of Tourism and Business Development (51)											
2,437,073	2,263,533	855,949	0	0	5,556,555	2,471,654	2,220,319	856,271	0	0	5,548,244
a. Legislative Audit (Restricted/Biennial)											
3,832	75,551	4,311	0	0	83,694	0	0	0	0	0	0
b. OTBD Primary Business Sector Training (OTO)											
240,000	81,337	0	0	0	321,337	240,000	82,293	0	0	0	322,293
c. OTBD Indian Country Economic Development (OTO)											
873,054	0	0	0	0	873,054	873,035	0	0	0	0	873,035
d. OTBD Increase Export Trade Program Funding (OTO)											
50,000	0	0	0	0	50,000	50,000	0	0	0	0	50,000
e. Taiwan Economic Development and Business Recruitment (Biennial)											
0	500,000	0	0	0	500,000	0	500,000	0	0	0	500,000
2. Community Development Division (60)											
930,621	4,624,554	19,474,363	0	0	25,029,538	949,148	4,625,087	19,477,524	0	0	25,051,759
a. Legislative Audit (Restricted/Biennial)											
6,358	4,836	12,649	0	0	23,843	0	0	0	0	0	0
b. CDD 1.00 Historic Preservation Grant FTE (OTO)											
0	95,867	0	0	0	95,867	0	96,277	0	0	0	96,277
c. CDD Continue 1.00 HB 652 DLA FTE (Biennial/OTO)											
0	98,611	0	0	0	98,611	0	98,609	0	0	0	98,609

is the equivalent of an additional 1% vacancy savings. The agency may allocate this reduction in funding among programs when developing 2023 biennium operating plans.

The Director's Office includes a one-time-only general fund reduction of \$5,766,789 in FY 2022 and \$8,208,051 in FY 2023 for the transfer to the capital development account.

It is the intent of the Legislature that the Department of Administration transition all statewide workforce training from the Professional Development Center to the private sector, universities, or colleges by the end of the 2023 biennium. It is the intent of the Legislature that the Professional Development Center be closed by the end of the 2023 biennium.

	Fiscal 2022				Total	Fiscal 2023				Total
	General Fund	State Special Revenue	Federal Special Revenue	Proprietary Other		General Fund	State Special Revenue	Federal Special Revenue	Proprietary Other	
3. Board of Horseracing (78)	0	200,733	0	0	200,733	0	200,667	0	0	200,667
4. Montana Heritage Commission (80)	0	1,270,000	0	0	1,270,000	0	1,270,000	0	0	1,270,000
a. Virginia and Nevada Cities (Restricted/Biennial)	0	1,000,000	0	0	1,000,000	0	1,000,000	0	0	1,000,000
5. Director's Office (81)	0	0	600,000	0	600,000	0	0	600,000	0	600,000
Total	4,540,938	10,215,022	20,947,272	0	35,703,232	4,583,837	10,093,252	20,933,795	0	35,610,884
DEPARTMENT OF LABOR AND INDUSTRY (66020)										
1. Workforce Services Division (01)	0	13,833,298	16,924,206	0	30,757,504	0	13,856,220	16,944,679	0	30,800,899
2. Unemployment Insurance Division (02)	0	6,000,264	11,500,487	0	17,500,751	0	6,056,345	11,512,152	0	17,568,497
3. Commissioner's Office and Centralized Services Division (03)	305,527	369,942	432,034	0	1,107,503	310,752	369,503	432,636	0	1,112,891
4. Employment Relations Division (04)	1,584,926	12,336,935	1,214,030	0	15,135,891	1,615,800	12,372,647	1,217,556	0	15,206,003
5. Business Standards Division (05)	0	19,712,822	20,409	0	19,733,231	0	19,624,115	20,409	0	19,644,524
6. Montana Community Services Division (07)	141,691	12,388	3,969,007	0	4,123,086	145,193	12,388	3,969,000	0	4,126,581
7. Workers' Compensation Court (09)	0	796,425	0	0	796,425	0	797,651	0	0	797,651
Total	2,032,144	53,062,074	34,060,173	0	89,154,391	2,071,745	53,088,869	34,096,432	0	89,257,046

	Fiscal 2022			Fiscal 2023		
	General Fund	State Special Revenue	Federal Special Revenue	General Fund	State Special Revenue	Federal Special Revenue
The Commissioner's Office and Centralized Services Division include a reduction in general fund of \$15,694 in FY 2022 and \$15,746 in FY 2023, state special revenue of \$332,634 in FY 2022 and \$333,586 in FY 2023, and federal special revenue of \$174,806 in FY 2022 and \$175,298 in FY 2023. The reduction is the equivalent of an additional 1% vacancy savings. The agency may allocate this reduction in funding among programs when developing 2023 biennium operating plans.						
The Montana Help Act special revenue fund in the Department of Labor and Industry is eligible to be amended under 17-7-402(1)(a)(xii), MCA, in the 2023 biennium budget.						
DEPARTMENT OF MILITARY AFFAIRS (67010)						
1. Director's Office (01)						
724,221	0	415,881	0	1,140,102	0	416,312
a. Legislative Audit (Restricted/Biennial)						
6,118	0	2,417	0	8,535	0	0
b. Adjust Operating Expenses (OTO)						
49,582	0	0	0	49,582	0	0
2. National Guard Youth Challenge Program (02)						
1,127,813	0	3,461,404	0	4,589,217	0	3,467,442
a. Legislative Audit (Restricted/Biennial)						
3,794	0	11,380	0	15,174	0	0
b. Additional Operating Expenses (Restricted)						
66,750	0	200,250	0	267,000	0	200,250
3. National Guard Scholarship Program (03) (Biennial)						
207,362	0	0	0	207,362	0	0
4. Starbase Program (04)						
0	0	653,674	0	653,674	0	654,614
a. Legislative Audit (Restricted/Biennial)						
0	0	2,845	0	2,845	0	0
5. Army National Guard Program (12)						
1,766,896	420	17,989,949	0	19,757,265	420	18,002,657
				1,761,903		0
						19,764,980

	Fiscal 2022				Total	General Fund	State Special Revenue	Fiscal 2023			Total
	General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other			General Fund	State Special Revenue	Federal Special Revenue	
a. Legislative Audit (Restricted/Biennial)	0	0	31,296	0	0	0	0	0	0	0	0
6. Air National Guard Program (13)	382,278	0	5,616,820	0	0	390,165	0	5,635,862	0	0	6,026,027
a. Legislative Audit (Restricted/Biennial)	3,029	0	10,248	0	0	13,277	0	0	0	0	0
7. Disaster and Emergency Services (21)	1,478,724	256,680	16,382,723	0	0	18,118,127	256,680	16,351,906	0	0	18,102,238
a. Legislative Audit (Restricted/Biennial)	7,112	0	7,113	0	0	14,225	0	0	0	0	0
b. Laurel Water System (Restricted/Biennial/OTO)	1,000,000	0	0	0	0	1,000,000	0	0	0	0	0
8. Veterans' Affairs Program (31)	1,498,416	847,811	0	0	0	2,346,227	850,797	1,524,102	0	0	2,374,899
a. Legislative Audit (Restricted/Biennial)	4,742	0	0	0	0	4,742	0	0	0	0	0
Total	8,326,837	1,104,911	44,786,000	0	0	54,217,748	7,388,230	44,729,043	0	0	53,225,170

The Director's Office includes a reduction in general fund of \$39,710 in FY 2022 and \$39,799 in FY 2023 and federal special revenue of \$123,967 in FY 2022 and \$124,275 in FY 2023. The Veterans' Affairs Program includes a reduction in state special revenue of \$9,468 in FY 2022 and \$9,482 in FY 2023. The reduction is the equivalent of an additional 1% vacancy savings. The agency may allocate this reduction in funding among programs when developing 2023 biennium operating plans.

Additional Operating Expenses is contingent on the Department of Military Affairs reverting at least \$133,500 in general fund for the 2021 biennium.

TOTAL SECTION A	112,337,725	95,596,541	134,191,805	9,951,255	0	352,077,326	112,274,900	94,979,222	134,157,644	9,824,536	0	351,236,302
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General Fund	State Special Revenue	Fiscal 2022		Total	General Fund	State Special Revenue	Fiscal 2023		Total		
		Proprietary	Other				Proprietary	Other			
B. DEPARTMENT OF PUBLIC HEALTH AND HUMAN SERVICES											
DEPARTMENT OF PUBLIC HEALTH AND HUMAN SERVICES (69010)											
1. Disability Employment and Transitions (01)											
1,084,744	949,471	6,824,669	0	0	8,858,884	1,086,263	949,716	6,832,939	0	0	8,868,918
a. DET Vocational Rehabilitation											
4,958,074	0	15,456,106	0	0	20,414,180	5,026,966	0	15,464,918	0	0	20,491,884
2. Human and Community Services Division (02)											
13,745,627	616,569	240,422,816	0	0	254,785,012	13,778,743	616,686	240,436,786	0	0	254,832,215
a. HCSD Offices of Public Assistance											
10,546,281	1,264,959	16,651,741	0	0	28,462,981	10,903,662	1,267,903	16,690,402	0	0	28,861,967
3. Child and Family Services Division (03) (Restricted)											
6,329,225	91,584	6,619,295	0	0	13,040,104	6,365,535	91,584	6,622,285	0	0	13,079,404
a. CFSD Foster Care, Adoption, Guardianship (Restricted)											
38,719,101	1,787,716	27,706,012	0	0	68,212,829	38,685,156	1,787,716	27,685,207	0	0	68,158,079
b. CFSD Field Staff (Restricted)											
18,397,431	0	8,424,041	0	0	26,821,472	19,126,981	0	8,446,040	0	0	27,573,021
4. Director's Office (04)											
3,256,968	429,830	3,850,487	0	0	7,537,285	3,370,156	430,993	3,857,629	0	0	7,658,778
a. Report on Medicaid Paid Abortions											
45,000	0	0	0	0	45,000	45,000	0	0	0	0	45,000
5. Child Support Services Division (05)											
3,237,875	363,312	7,904,998	0	0	11,506,185	3,340,168	363,312	7,925,308	0	0	11,628,788
6. Business and Financial Services Division (06)											
4,559,720	976,515	7,014,270	0	0	12,550,505	4,575,692	970,853	6,979,894	0	0	12,526,439
a. Legislative Audit (Restricted/Biennial)											
200,191	13,967	251,402	0	0	465,560	0	0	0	0	0	0
7. Public Health and Safety Division (07)											
3,149,348	14,264,206	21,973,648	0	0	39,387,202	3,207,756	14,271,932	22,003,561	0	0	39,483,249

	Fiscal 2022				Fiscal 2023			
	General Fund	State Special Revenue	Federal Special Revenue	Total	General Fund	State Special Revenue	Federal Special Revenue	Total
f. Medicaid PRI - Exempt Hosp. and Phys. 1%+2% (Restricted)								
1,753,408	0	3,242,055	0	4,995,463	3,506,815	0	6,484,110	9,990,925
g. Home and Community Based Services Direct Care Worker Recruitment and Retention								
386,439	0	1,163,968	0	1,550,407	772,878	0	2,306,316	3,079,194
12. Medicaid and Health Services Management (12)								
8,164,143	34,472	23,243,237	0	31,441,852	10,354,222	36,854	29,040,416	39,431,492
13. Operations Services Division (16)								
948,266	3,049,843	1,423,566	0	5,421,675	971,760	3,051,485	1,425,375	5,448,620
14. Senior and Long-Term Care Division (22)								
12,599,654	11,240,717	22,916,947	0	46,757,318	11,711,662	11,243,398	21,392,789	44,347,849
a. SLTC Traditional Medicaid Benefits (Restricted)								
51,516,826	28,646,671	158,632,719	0	238,796,216	53,002,142	28,653,036	160,950,545	242,605,723
b. SLTC Medicaid Waiver Benefits (Restricted)								
11,592,903	4,197,699	29,338,297	0	45,128,899	11,642,545	4,197,699	29,288,655	45,128,899
c. SLTC Medicaid Expansion Benefits (Restricted)								
858,021	0	8,729,663	0	9,587,684	865,204	0	8,794,313	9,659,517
d. Medicaid PRI - Exempt Hosp. and Phys. 1%+2% (Restricted)								
305,879	0	554,539	0	860,418	611,758	0	1,109,076	1,720,834
15. Early Childhood and Family Support Division (25)								
12,038,326	4,308,288	67,829,787	0	84,176,401	12,049,130	4,308,633	67,848,785	84,206,548
16. Addictive and Mental Disorders Division (33)								
9,662,945	10,019,041	8,627,040	0	28,309,026	11,064,470	10,030,742	8,631,417	29,726,629
a. AMDD Traditional Medicaid Benefits (Restricted)								
14,588,236	2,458,392	35,318,912	0	52,365,540	15,327,421	2,475,526	36,557,048	54,359,995
b. AMDD Medicaid Waiver Benefits (Restricted)								
0	8,729,039	16,218,201	0	24,947,240	0	9,793,531	18,108,268	27,901,799
c. AMDD Medicaid Expansion Benefits (Restricted)								
6,555,207	0	58,536,511	0	65,091,718	6,833,564	0	61,041,728	67,875,292

	Fiscal 2022			Total	Fiscal 2023		
	General Fund	State Special Revenue	Federal Special Revenue		General Fund	State Special Revenue	Federal Special Revenue
d. AMDD State Hospital							
47,165,640	47,165,640	1,393,635	0	48,559,275	47,165,640	1,393,635	0
e. AMDD MT Mental Health Nursing Care Center							
12,111,871	12,111,871	0	0	12,111,871	12,111,871	0	0
f. Medicaid PRI - Exempt Hosp. and Phys. 1%+2% (Restricted)							
467,782	467,782	0	864,930	1,332,712	935,563	0	1,729,859

Total	596,424,330	232,558,649	2,163,148,783	0	2,992,131,762	623,303,441	232,402,451	2,215,710,602	0	3,071,416,494
The Disability Employment and Transitions Division is appropriated \$775,000 of state special revenue from the Montana Telecommunications Access Program (MTAP) during each year of the 2023 biennium to cover a contingent FCC mandate, which would require states to provide both Video and Internet Protocol relay services for people with severe hearing, mobility, or speech impairments.										

The operating and maintenance required in accordance with 17-7-210 for the Commodities Warehouse Expansion have been included in the General Services Rental Rate in the Business and Financial Services Division.

The Developmental Services Division may only transfer appropriations between the following line items: DSD Traditional Medicaid Benefits, DSD Medicaid Waiver Benefits, DSD CSCCT Federal Funds, and DSD CSCCT State Funds. The Developmental Services Division may not transfer any Medicaid appropriations outside of the division. If HB 341 is passed and approved, the restriction in this paragraph is void.

The Health Resources Division may only transfer appropriations between the following line items: HRD Traditional Medicaid Benefits, HRD Traditional Medicaid HUF Payments, HRD Medicaid Expansion Benefits, and HRD Medicaid Expansion HUF Payments. The Health Resources Division may not transfer any Medicaid appropriations outside of the division. If HB 341 is passed and approved, the restriction in this paragraph is void.

The Senior and Long-Term Care Division may only transfer appropriations between the following line items: SLTC Traditional Medicaid Benefits, SLTC Medicaid Waiver Benefits, and SLTC Medicaid Expansion Benefits. The Senior and Long-Term Care Division may not transfer any Medicaid appropriations outside of the division. If HB 341 is passed and approved the restriction in this paragraph is void.

The Addictive and Mental Disorders Division may only transfer appropriations between the following line items: AMDD Traditional Medicaid Benefits, AMDD Medicaid Waiver Benefits, and AMDD Medicaid Expansion Benefits. The Addictive and Mental Disorders Division may not transfer any Medicaid appropriations outside of the division. If HB 341 is passed and approved the restriction in this paragraph is void.

The budget for the Child and Family Services Division is restricted to use in that division.

For all line items in the Department of Public Health and Human Services that include the word AMedicaid@ or ACHIP@, for each quarter in which the COVID-enhanced Federal Medical Assistance Percentage authorized by the AFamilies First Coronavirus Response Act@ provides a 6.2 percentage points increase

<u>Fiscal 2022</u>			<u>Fiscal 2023</u>		
General Fund	State Special Revenue	Federal Special Revenue	General Fund	State Special Revenue	Federal Special Revenue
			Total	Other	Proprietary
					Other
					Total
in federal funding, the department shall decrease: (1) general fund authority pursuant to 17-2-108(2); and (2) state special fund authority pursuant to 17-2-108(3). The combined decrease of general fund and state special authority must equal the amount of the increased federal funding provided for by the 6.2 percentage points increase in Federal Medical Assistance Percentage. The department is authorized to establish a new appropriation to include both general fund and state special revenue equal to the amounts reduced pursuant to 17-2-108 for the first quarter of FY 2022, which serves as a contingency fund that may be used by the department for any use consistent with the goals and objectives of the agency in the biennium. This new appropriation must be established as biennial and one-time-only. The department shall transmit a written report to the legislative fiscal analyst by December 1, 2021. This report must include a detailed accounting of the initial establishment of the contingency funding, by division, 1st level expenditure, SABHRS subclass, and fund. The department shall transmit two further written reports to the legislative fiscal analyst by September 1, 2022 and September 1, 2023. These reports must include a detailed accounting of the manner in which the department utilized the contingency funding, by division, 1st level expenditure, SABHRS subclass, and fund, in the most recently completed fiscal year.					
The line item for report on Medicaid paid abortions is to be used by the Department of Public Health and Human Services to review and report the history, utilization data, policies, rules, and definitions for Medicaid paid abortions to the Interim Budget Committee for the Department of Public Health and Human Services and the Children, Families, Health, and Human Services Interim Committee at a meeting in September of 2021 with followup work as the committees request.					
The Legislature intends that the Department of Public Health and Human Services eliminate the policy of 12-month continuous eligibility for the Medicaid expansion population.					
TOTAL SECTION B					
596,424,330	232,558,649	2,163,148,783	0	0	2,992,131,762
			623,303,441	232,402,451	2,215,710,602
				0	0
					3,071,416,494

	Fiscal 2022			Fiscal 2023		
	General Fund	State Special Revenue	Total	Federal Special Revenue	Proprietary	Other Total
C. NATURAL RESOURCES AND TRANSPORTATION						
DEPARTMENT OF FISH, WILDLIFE, AND PARKS (52010)						
1. Technology Services Division						
0 6,998,521	178,747	0 0	7,177,268	178,737	0 0	7,205,035
a. Technology Modernization Purchase and Maintenance (Restricted/OTO)						
0 600,000	0	0 0	600,000	0	0 0	145,000
2. Fisheries Division (03)						
0 13,833,938	12,217,448	0 0	26,051,386	12,254,692	0 0	26,133,494
a. Statewide Fisheries Management (Biennial/OTO)						
0 70,000	0	0 0	70,000	0	0 0	0
b. Fishing and Water Access Sites (Restricted/Biennial/OTO)						
0 200,000	0	0 0	200,000	0	0 0	200,000
c. Fishing Access Site Weed Control and Riparian Habitat (Restricted/Biennial/OTO)						
0 150,000	0	0 0	150,000	0	0 0	150,000
3. Law Enforcement Division (04)						
0 11,768,643	1,397,091	0 0	13,165,734	1,397,092	0 0	13,231,419
4. Wildlife Division (05)						
0 13,759,047	12,391,604	0 0	26,150,651	12,376,942	0 0	26,174,269
a. Wolf Collaring SW Montana (Restricted/Biennial/OTO)						
0 25,000	0	0 0	25,000	0	0 0	25,000
5. Parks Division (06)						
0 8,172,187	493,637	0 0	8,665,824	493,637	0 0	8,691,986
a. Snowmobile Trail Groomers (Biennial)						
0 300,000	0	0 0	300,000	0	0 0	300,000
b. Smith River Cor. Enhance. (Biennial)						
0 200,000	0	0 0	200,000	0	0 0	0
c. Lake Frances Floating Dock (Restricted/Biennial/OTO)						
0 25,000	0	0 0	25,000	0	0 0	25,000

	Fiscal 2022				Total	Fiscal 2023				
	General Fund	State Special Revenue	Federal Special Revenue	Proprietary Other		General Fund	State Special Revenue	Federal Special Revenue	Proprietary Other	
d. Milltown State Park (Restricted)	0	126,407	0	0	126,407	0	126,483	0	0	126,483
e. Statewide Parks Operation Increase (OTO)	0	200,000	0	0	200,000	0	200,000	0	0	200,000
6. Communication and Education Division (08)	0	3,550,867	993,514	0	4,544,381	0	3,563,358	993,514	0	4,556,872
7. Administration Division (09)	0	17,719,524	750,064	0	18,469,588	0	17,756,909	751,364	0	18,508,273
a. Legislative Audit (Restricted/Biennial)	0	120,701	0	0	120,701	0	0	0	0	0
b. Public Lands Access (Restricted/Biennial)	0	500,000	0	0	500,000	0	500,000	0	0	500,000
Total	0	78,319,835	28,422,105	0	106,741,940	0	77,726,853	28,445,978	0	106,172,831
The Department of Fish, Wildlife, and Parks will report to the Environmental Quality Council by the first day of December of each year of the 2023 biennium on the actual number of wolves collared in southwestern Montana.										
The General License Account, the Aquatic Invasive Species, and the Hunting Access state special revenue funds in the Department of Fish, Wildlife, and Parks are eligible to be amended under 17-7-402(1)(a)(xii), MCA, in the 2023 biennium budget.										
DEPARTMENT OF ENVIRONMENTAL QUALITY (53010)										
1. Central Management Program (10)	802,742	2,598,843	620,943	0	4,022,528	813,125	2,601,100	623,860	0	4,038,085
2. Water Quality Division (20)	2,605,726	7,802,784	8,294,789	0	18,703,299	2,634,703	7,856,582	8,281,637	0	18,772,922
3. Waste Management and Remediation Division (40)	328,940	11,365,334	10,757,768	0	22,452,042	337,844	11,388,848	10,763,532	0	22,490,224
a. Orphan Share Expanded Use (Restricted/Biennial)	0	250,000	0	0	250,000	0	250,000	0	0	250,000

	<u>Fiscal 2022</u>			<u>Fiscal 2023</u>		
	General Fund	State Special Revenue	Federal Special Revenue	General Fund	State Special Revenue	Federal Special Revenue
4. Air, Energy and Mining Division (50)						
1,781,588	9,654,569	5,049,893	0	0	16,486,050	1,809,823
5. Libby Asbestos Advisory Team (80)						
0	480,000	0	0	0	480,000	0
6. Petroleum Tank Release Compensation Board (90)						
0	644,912	0	0	0	644,912	0
Total	5,518,996	32,796,442	24,723,393	0	63,038,831	5,595,495

The department is appropriated up to \$1 million of the funds recovered under the Petroleum Tank Compensation Board subrogation program in the 2023 biennium for the purpose of paying contract expenses related to the recovery of funds.

If the Carpenter/Snow and Barker/Hughesville National Priority List (NPL) sites are approved for federal superfund funding by the Environmental Protection Agency, the department is appropriated \$2.2 million in state special revenue from the CERCLA Bond Proceeds Account.

The Water Quality Division is authorized to decrease federal special revenue and increase state special revenue in the drinking water or water pollution control revolving loan programs by a like amount within the administration account, when the amount of federal capitalization funds has been expended or when federal funds and bond proceeds will be used for other program purposes.

The Hard Rock Mining Reclamation, Air Quality Operating Fees, Petroleum Storage Tank Cleanup, Junk Vehicle Disposal, Environmental Quality Protection, and the Major Facility Siting state special revenue funds in the Department of Environmental Quality are eligible to be amended under 17-7- 402(1)(a)(xii), MCA, in the 2023 biennium budget.

The Central Management Program includes a reduction in general fund of \$34,437 in FY 2022 and \$34,525 in FY 2023, state special revenue of \$159,408 in FY 2022 and \$159,905 in FY 2023, and federal special revenue of \$88,575 in FY 2022 and \$88,822 in FY 2023. The reduction is the equivalent of an additional 1% vacancy savings. The agency may allocate this reduction in funding among programs when developing 2023 biennium operating plans.

DEPARTMENT OF TRANSPORTATION (54010)

1. General Operations Program (01) (Biennial)						
0	33,007,642	1,779,806	0	0	34,787,448	0
a. Legislative Audit (Restricted/Biennial)						
0	211,226	0	0	0	211,226	0

[illegible]

The department may adjust appropriations between state special revenue and federal special revenue funds if the total state special revenue authority by program is not increased by more than 10% of the total appropriations established by the Legislature.

All appropriations in the department are biennial.

Federal Billing is contingent on the passage and approval of HB 10 having the federal billing system included as a project within the bill.

The Maintenance Program includes a reduction in state special revenue of \$1,709,314 in FY 2022 and \$1,713,456 in FY 2023 and federal special revenue of \$888,279 in FY 2022 and \$891,122 in FY 2023. The reduction is the equivalent of an additional 1% vacancy savings. The agency may allocate this reduction in funding among programs when developing 2023 biennium operating plans.

DEPARTMENT OF LIVESTOCK (56030)

1. Centralized Services Division (01)						
125,015	2,119,203	0	0	0	2,244,218	2,244,112

	Fiscal 2022				Fiscal 2023			
	General Fund	State Special Revenue	Federal Special Revenue	Total	General Fund	State Special Revenue	Federal Special Revenue	Total
1. Legislative Audit (Restricted/Biennial)								
85,574	57,762	7,540	0	150,876	0	0	0	0
2. Oil and Gas Conservation Division (22)								
0	2,063,953	106,692	0	2,170,645	0	2,065,389	106,692	2,172,081
3. Conservation and Resource Development Division (23)								
1,791,351	8,374,452	308,286	0	10,474,089	1,814,817	8,377,834	308,286	10,500,937
a. Lake Elmo Restoration (Restricted/OTO)								
0	50,000	0	0	50,000	0	50,000	0	50,000
b. Conservation District AIS Check Stations (Restricted)								
0	100,000	0	0	100,000	0	100,000	0	100,000
4. Water Resources Division (24)								
11,028,238	8,381,578	279,938	0	19,689,754	11,504,237	8,384,880	280,227	20,169,344
a. WRD Flow Measurement Equip. (Restricted/OTO)								
0	98,700	0	0	98,700	0	0	0	0
b. MEPA, NEPA, and the protection and administration of state-based water rights. (Restricted)								
100,000	0	0	0	100,000	100,000	0	0	100,000
5. Forestry and Trust Lands Divisions (35)								
13,952,431	19,493,120	1,375,912	0	34,821,463	14,283,130	19,515,309	1,375,912	35,174,351
Total								
31,496,373	42,093,591	2,110,870	0	75,700,834	32,315,092	41,962,305	2,102,950	76,380,347

The department is authorized to decrease federal special revenue in the water pollution control or drinking water revolving fund loan programs and increase state special revenue by a like amount within administration accounts when the amount of federal EPA CAP grant funds allocated for administration of the grant has been expended or federal funds and bond proceeds will be used for other program purposes as authorized in law providing for the distribution of funds.

During the 2023 biennium, up to \$1 million of funds currently in or to be deposited in the Department of Natural Resources and Conversation indirects special revenue account is appropriated to the department for indirect pool expenditures.

During the 2023 biennium, up to \$600,000 from the loan loss reserve account of the private loan program established in 85-1-603 is appropriated to the department for the purchase of prior liens on property held as loan security as provided in 85-1-615.

			<u>Fiscal 2022</u>				<u>Fiscal 2023</u>			
	General Fund	State Special Revenue		Proprietary	Other	Total		Proprietary	Other	Total
				Revenue				Revenue		
The Central Management Division includes a reduction in general fund of \$7,406 in FY 2022 and \$7,421 in FY 2023, state special revenue of \$67,792 in FY 2022 and \$67,994 in FY 2023, federal special revenue of \$13,692 in FY 2022 and \$13,731 in FY 2023, and proprietary funds of \$3,915 in FY 2022 and \$3,922 in FY 2023. The reduction is the equivalent of an additional 1% vacancy savings. The agency may allocate this reduction in funding among programs when developing 2023 biennium operating plans.										
TOTAL SECTION C										
41,380,499	450,853,554	570,837,711	483,985	0	1,063,505,749	42,073,346	449,418,143	557,629,611	484,579	0 1,049,605,679

General Fund	State Special Revenue	Fiscal 2022			Total	General Fund	State Special Revenue	Fiscal 2023			Total
		Federal Special Revenue	Proprietary	Other				Federal Special Revenue	Proprietary	Other	
D. CORRECTIONS AND PUBLIC SAFETY											
JUDICIARY (21100)											
1. Supreme Court Operations (01)											
18,481,759	821,760	101,951	0	0	19,405,470	18,713,942	821,760	102,155	0	0	19,637,857
a. Legislative Audit (Restricted/Biennial)											
56,040	0	0	0	0	56,040	0	0	0	0	0	0
b. Pretrial Program (OTO)											
829,402	0	0	0	0	829,402	829,511	0	0	0	0	829,511
c. Drug Treatment Courts											
0	0	0	0	0	0	0	354,901	0	0	0	354,901
2. Law Library (03)											
875,804	0	0	0	0	875,804	890,752	0	0	0	0	890,752
3. District Court Operations (04)											
29,224,819	751,439	0	0	0	29,976,258	30,133,930	751,439	0	0	0	30,885,369
a. 11th Judicial District											
0	0	0	0	0	0	233,138	0	0	0	0	233,138
4. Water Courts Supervision (05)											
925,425	1,457,767	0	0	0	2,383,192	947,976	1,459,197	0	0	0	2,407,173
5. Clerk of Court (06)											
570,117	0	0	0	0	570,117	587,433	0	0	0	0	587,433

The Supreme Court Operations, District Court Operations, and Water Courts Supervision include a one-time-only reduction in FY 2022 and FY 2023 for a suspension of employer contributions to the judges' retirement contribution plan. The reduction is contingent on the passage and approval of SB 175.

Funding for the judge and associated staff in the 11th Judicial District is contingent on the establishment of a treatment court in the 11th Judicial District by no later than January 1, 2023.

	Fiscal 2022			Fiscal 2023		
	General Fund	State Special Revenue	Total	General Fund	State Special Revenue	Total
Total	31,753,243	79,939,915				
	1,330,430	1,941,646	0	114,965,234	36,673,897	75,397,559
	1,331,883	1,937,306	0	115,340,645		
The Division of Criminal Investigation includes a reduction in federal special revenue of \$6,773 in FY 2022 and \$6,794 in FY 2023. The Central Services Division includes a reduction in general fund of \$214,007 in FY 2022 and \$215,918 in FY 2023, state special revenue of \$178,188 in FY 2022 and \$179,115 in FY 2023, and proprietary funds of \$12,116 in FY 2022 and \$12,169 in FY 2023. The reductions are the equivalent of an additional 1% vacancy savings. The agency may allocate this reduction in funding among programs when developing 2023 biennium operating plans.						
The Department of Justice includes the Montana Board of Crime Control. The Montana Board of Crime Control is appropriated \$1,956,193 in general fund in FY 2022 and \$1,957,315 in FY 2023, \$127,635 in state special revenue in FY 2022 and \$127,670 in FY 2023, and \$13,507,265 in federal special revenue in FY 2022 and \$13,507,578 in FY 2023 supporting 17.50 FTE and \$1,690,654 in personal services in FY 2022 and \$1,694,849 in FY 2023. \$1,016,318 in operating expenses in FY 2022 and \$1,013,593 in FY 2023, \$12,909 in equipment and intangible assets in FY 2022 and \$12,909 in FY 2023, \$9,985,395 in grants in FY 2022 and \$9,985,395 in FY 2023, and \$2,885,817 in transfers in FY 2022 and \$2,885,817 in FY 2023 to comply with the requirements of SB 19.						
The funding for the Montana Highway Patrol Boulder Campus is contingent on the passage and approval of HB 686 without an appropriation for the Boulder campus.						
The Montana Highway Patrol Boulder Campus may only be used for expenditures related to the Boulder Campus.						
The motor vehicle information technology system account includes a reduction in state special revenue due to the elimination of a deposit of a \$4 fee pursuant to 61-3-103(8) made July 1, 2019. If HB 693 is passed and approved with a section that amends the termination date of the \$4 fee, the motor vehicle information technology system account is considered eligible to be amended under 17-07-402(1)(a)(xii) in the 2023 biennium budget.						
PUBLIC SERVICE COMMISSION (42010)						
1. Public Service Regulation Program (01)	0	3,914,566	273,691	0	3,924,584	273,691
a. Software Modernization System Initial Costs (OTO)	0	251,701	0	0	251,701	0
b. Software Modernization System Fixed Costs (OTO)	0	165,000	0	0	255,680	0
c. Legislative Audit (Restricted/Biennial)	0	34,486	0	0	0	0
d. Contract Funding for Hearing Examiner (Restricted/OTO)	0	100,000	0	0	100,000	0

	Fiscal 2022			Fiscal 2023			
	General Fund	State Special Revenue	Federal Special Revenue	General Fund	State Special Revenue	Federal Special Revenue	Proprietary Other
Total	0	4,465,753	273,691	0	4,739,444	273,691	0
The Contract Funding for Hearing Examiner may only be used by the Public Service Commission to contract with the Department of Justice for hearings examiners.							
The Public Service Commission may spend up to \$500,000 each year of the biennium for the software modernization system if funding is available from the Public Service Commission state special revenue fund. Funds used for the software modernization system out of the Public Service Commission state special revenue fund are not considered appropriations for the purpose of calculating rates.							
The Public Service Regulation Program includes a reduction in state special revenue of \$31,733 in FY 2022 and \$31,827 in FY 2023. The reduction is the equivalent of an additional 1% vacancy savings. The agency may allocate this reduction in funding among programs when developing 2023 biennium operating plans.							
OFFICE OF STATE PUBLIC DEFENDER (61080)							
1. Public Defender Division (01)							
23,382,484	0	0	0	23,382,484	23,951,185	0	0
a. Caseload Growth Contingency							
134,385	0	0	0	134,385	138,061	0	0
2. Appellate Defender Division (02)							
2,400,241	0	0	0	2,400,241	2,444,470	0	0
a. Caseload Growth Contingency							
13,300	0	0	0	13,300	13,699	0	0
3. Conflict Coordinator Division (03)							
8,975,287	0	0	0	8,975,287	9,052,750	0	0
a. Caseload Growth Contingency							
49,641	0	0	0	49,641	51,130	0	0
4. Central Services Division (04)							
3,324,569	0	0	0	3,324,569	3,383,459	0	0
a. Legislative Audit (Restricted/Biennial)							
66,816	0	0	0	66,816	0	0	0

	Fiscal 2022			Fiscal 2023		
	General Fund	State Special Revenue	Federal Special Revenue	General Fund	State Special Revenue	Federal Special Revenue
b. Case Management System (Restricted)	0	0	0	150,000	0	0
150,000	0	0	0	150,000	0	0

Total	38,496,723	0	0	38,496,723	39,184,754	0
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All appropriations for the Public Defender Division, Appellate Defender Division, Conflict Coordinator Division, and Central Services Division are biennial. Case Management System funding in FY 2023 is contingent on the Office of State Public Defender implementing a time keeping system in FY 2022 and using the time keeping system to update their caseload hours.

It is the intent of the legislature that the Office of State Public Defender report each quarter of FY 2022 and FY 2023 to the Office of Budget and Program Planning on the number of new cases filed and the number of cases worked on by Office of State Public Defender employees. Cases worked on are defined as follows: A case was opened.

An Office of State Public Defender employee charged time directly related to the case.
An Office of State Public Defender contractor submitted a valid and approved claim for work related to the case.
Two or more of the following events took place during a calendar month:

- the case was in an open status;
- the case went from inactive status to closed status;
- an Office of State Public Defender employee generated a document related to the case; and
- a noncontinued, nonvacated court or client-related event took place.

Caseload growth contingency may be expended only after the budget director certifies that the number of cases worked on meets or exceeds 0.5% growth as compared to the same quarter in the prior fiscal year. The amount of funding available each quarter is limited to \$49,332 in FY 2022 and \$50,723 in FY 2023.

DEPARTMENT OF CORRECTIONS (64010)

1. Director's Office (01)						
16,136,999	603,785	13,513,988	146,117	0	30,400,889	16,400,333
a. Evidence Based Practices Training (SB59) (OTO)						
75,000	0	0	0	0	75,000	0
b. Director's Office Contingency						
1,617,909	0	0	0	0	1,617,909	1,643,451
c. Legislative Audit (Restricted/Biennial)						
137,944	0	0	0	0	137,944	0

	Fiscal 2022			Fiscal 2023		
	General Fund	State Special Revenue	Federal Special Revenue	General Fund	State Special Revenue	Federal Special Revenue
2. Probation and Parole Division (02)						
72,334,356	1,123,296	0	0	73,457,652	1,123,296	0
a. Jail Holds						
6,353,738	0	0	0	6,353,738	0	0
b. Nonprofit Provider Per Diem (Restricted)						
508,498	666	0	0	509,164	680	0
3. Secure Custody Facilities (03)						
86,492,621	1,235,680	0	0	87,728,301	1,235,680	0
a. For Profit Provider Per Diem (Restricted)						
304,229	0	0	0	304,229	0	0
b. Regional Prison Per Diem Increase (Restricted)						
67,903	0	0	0	67,903	0	0
4. Montana Correctional Enterprises (04)						
2,189,643	3,725,842	0	0	2,243,066	3,725,842	0
5. Clinical Services Division (06)						
26,852,474	0	0	0	27,137,035	0	0
6. Board of Pardons and Parole (07)						
1,102,598	0	0	0	1,102,598	0	0
Total						
214,173,912	6,689,269	13,513,988	146,117	234,523,286	6,688,908	13,514,301

214,173,912 6,689,269 13,513,988 146,117 0 234,523,286 6,688,908 13,514,301 142,869 0 237,541,787

All appropriations for the Probation and Parole Division, Secure Custody Facilities, and Clinical Services Division are biennial.

If, through the Legislative Audit Division process for establishing performance audits, a performance audit for Department of Corrections evidence-based programs is prioritized, the Legislative Audit Division shall contract with an educational organization that has appropriate subject matter expertise to provide specialist services as part of the audit.

It is the intent of the Legislature that offender placement be based on a risk and needs score and offender risk to the community. In placing offenders in treatment facilities, the department shall rely on risk and needs assessment tools and the underlying offense. Behavioral health assessment tools will be used to determine an offender's treatment dosage and needs.

Fiscal 2022				Fiscal 2023			
General Fund	State Special Revenue	Federal Special Revenue	Total	General Fund	State Special Revenue	Federal Special Revenue	Total
			Other				Other
It is the intent of the Legislature that the department "pre-screen" offenders for an appropriate correctional placement. Pre-screening is not required for offenders who have a plea agreement for a suspended or deferred sentence, a prison commitment, or when no PSI is ordered. Contracted treatment and pre-release centers should simultaneously screen an offender's application. The department shall provide a sentencing recommendation to the court that is based on the risk and needs evaluation of the offender and considers input from the other interested parties and the underlying offense. It is the intent of the Legislature that these sentencing recommendations do not bind the judicial branch. Pre-screening and providing placement recommendations will begin no later than July 1, 2021.							
It is the intent of the Legislature to utilize all community-based residential and nonresidential options and treatment program placements. The department is authorized to expand program capacity up to 10% over contract maximums to fulfill this mandate and may use existing resources from all bureaus to fulfill this intent.							
The Director's Office contingency funding may be expended only after the budget director certifies that county jail holds are maintained at a monthly average of 250 or less each month of the biennium beginning on July 1, 2021. Funds will be certified on a monthly basis by the budget director.							
Jail hold rates include funding to house inmates in county jails. It is the intent of the Legislature that the Department of Corrections pay no more than \$69.63 for each day in fiscal year 2022 and 2023 to house inmates in county jails.							
The Department of Corrections Director's Office is reduced by \$1,956,193 in general fund in FY 2022 and \$1,957,315 in FY 2023, \$127,635 in state special revenue in FY 2022 and \$127,670 in FY 2023, and \$13,507,265 in federal special revenue in FY 2022 and \$13,507,578 in FY 2023 supporting 17.50 FTE and \$1,690,654 in personal services in FY 2022 and \$1,694,849 in FY 2023, \$1,016,318 in operating expenses in FY 2022 and \$1,013,593 in FY 2023, \$12,909 in equipment and intangible assets in FY 2022 and \$12,909 in FY 2023, \$9,985,395 in grants in FY 2022 and \$9,985,395 in FY 2023, and \$2,885,817 in transfers in FY 2022 and \$2,885,817 in FY 2023 to comply with the requirements of SB 19.							
If HB 553 is not passed and approved as introduced, the Probation and Parole Division general fund is increased by \$173,039 in FY 2022 and \$162,889 in FY 2023 and the Department of Corrections may increase full-time equivalent positions authorized in HB 2 by 2.00 FTE.							
The Miscellaneous Fines and Fees state special revenue fund in the Department of Corrections is eligible to be amended under 17-7-402(1)(a)(xii), MCA, in the 2023 biennium budget.							

General Fund	State Special Revenue	Fiscal 2022			Total	General Fund	State Special Revenue	Fiscal 2023			Total
		Federal Special Revenue	Proprietary	Other				Federal Special Revenue	Proprietary	Other	
OFFICE OF SUPERINTENDENT OF PUBLIC INSTRUCTION (35010)											
1. OPI Administration (06)											
8,739,997	290,729	17,845,357	0	0	26,876,083	8,882,546	291,011	17,861,265	0	0	27,034,822
a. Audiology (Restricted)											
533,460	0	0	0	0	533,460	544,129	0	0	0	0	544,129
b. Montana Digital Academy (Restricted)											
2,000,500	0	0	0	0	2,000,500	2,000,500	0	0	0	0	2,000,500
c. MTDA Additional Titles (Restricted/Biennial/OTO)											
130,000	0	0	0	0	130,000	0	0	0	0	0	0
d. MTDA Indian Language Titles (Restricted/Biennial/OTO)											
80,000	0	0	0	0	80,000	0	0	0	0	0	0
e. MTDA Inflationary Increase for Technology (Restricted/Biennial)											
29,895	0	0	0	0	29,895	30,120	0	0	0	0	30,120
f. MT Indian Language Preservation (Restricted/Biennial/OTO)											
750,000	0	0	0	0	750,000	750,000	0	0	0	0	750,000
g. Medicaid Services to Schools Director (Restricted)											
67,500	0	67,500	0	0	135,000	67,500	0	67,500	0	0	135,000
h. Medicaid Services to Schools Technical Support (Restricted/OTO)											
55,000	0	55,000	0	0	110,000	55,000	0	55,000	0	0	110,000
2. Distribution to Public Schools (09)											
0	750,000	155,735,391	0	0	156,485,391	0	750,000	155,735,391	0	0	156,485,391
a. CTE State Match (Restricted/Biennial)											
1,500,000	0	0	0	0	1,500,000	1,500,000	0	0	0	0	1,500,000
b. CTE CTSO (Restricted/Biennial)											
553,000	0	0	0	0	553,000	553,000	0	0	0	0	553,000
c. K-12 BASE Aid (Restricted/Biennial)											
784,643,285	0	0	0	0	784,643,285	823,021,316	0	0	0	0	823,021,316

	Fiscal 2022				Total	Fiscal 2023				
	General Fund	State Special Revenue	Federal Special Revenue	Proprietary Other		General Fund	State Special Revenue	Federal Special Revenue	Proprietary Other	
d. At-Risk Student Payment (Restricted/Biennial)	5,726,603	0	0	0	5,726,603	5,873,777	0	0	0	5,873,777
e. Special Education (Restricted/Biennial)	44,702,880	0	0	0	44,702,880	44,702,880	0	0	0	44,702,880
f. Transportation (Restricted/Biennial)	11,998,552	0	0	0	11,998,552	11,998,552	0	0	0	11,998,552
g. State Tuition Payments (Restricted/Biennial)	265,631	0	0	0	265,631	259,926	0	0	0	259,926
h. Indian Language Immersion (Restricted/Biennial)	96,970	0	0	0	96,970	96,970	0	0	0	96,970
i. School Food (Restricted/Biennial)	663,862	0	0	0	663,862	663,862	0	0	0	663,862
j. In-State Treatment (Restricted/Biennial)	1,096,908	0	0	0	1,096,908	1,124,077	0	0	0	1,124,077
k. Adult Basic Education (Restricted/Biennial)	525,000	0	0	0	525,000	525,000	0	0	0	525,000
l. Gifted and Talented (Restricted/Biennial)	350,000	0	0	0	350,000	350,000	0	0	0	350,000
m. Advancing Agricultural Education (Restricted/Biennial)	151,960	0	0	0	151,960	151,960	0	0	0	151,960
n. State Transformational Learning Aid (Restricted/Biennial)	2,123,916	0	0	0	2,123,916	2,155,760	0	0	0	2,155,760
o. State Advanced Opportunities Aid (Restricted/Biennial)	1,673,558	0	0	0	1,673,558	2,547,973	0	0	0	2,547,973
p. School Safety Grants (Restricted/Biennial)	100,000	0	0	0	100,000	100,000	0	0	0	100,000
q. Coal MT (Restricted/Biennial)	1,693,274	0	0	0	1,693,274	1,693,274	0	0	0	1,693,274

	Fiscal 2022				Fiscal 2023			
	General Fund	State Special Revenue	Federal Special Revenue	Other	General Fund	State Special Revenue	Federal Special Revenue	Other
r. Major Maintenance Aid (Restricted)								
7,727,000	2,273,000	0	0	10,000,000	7,461,000	2,539,000	0	10,000,000
s. Recruitment and Retention (Restricted/Biennial)								
500,000	0	0	0	500,000	500,000	0	0	500,000
t. Debt Service Assistance (Restricted)								
0	2,500,000	0	0	2,500,000	0	2,500,000	0	2,500,000
u. Incentivize Increase in Starting Teacher Pay (Restricted)								
0	0	0	0	0	2,492,048	0	0	2,492,048
v. National Board Certification (Restricted/Biennial)								
75,000	0	0	0	75,000	100,000	0	0	100,000
w. State Lands Block Grants (Restricted/Biennial/OTO)								
75,000	0	0	0	75,000	75,000	0	0	75,000
x. Comprehensive School and Community Treatment (Restricted/OTO)								
2,235,578	8,942,230	0	0	11,177,808	0	10,958,252	0	10,958,252

If HB 46 is passed and approved, the appropriation for Special Education becomes part of K-12 BASE Aid.

The Office of Superintendent of Public Instruction may distribute funds from the appropriation for In-State Treatment to public school districts for the purpose of providing educational costs of children with significant behavioral or physical needs.

All revenue up to \$1.3 million in the traffic education account for distribution to schools under the provisions of 20-7-506 and 61-5-121 is appropriated as provided in Title 20, chapter 7, part 5.

All appropriations for federal special revenue programs in state level activities and in local education activities are biennial. All general fund appropriations in local education activities are biennial, except Major Maintenance Aid, Debt Service Assistance, and Incentivize Increase in Starting Teacher Pay.

The Major Maintenance Aid and Debt Service Assistance restricted line item appropriation is restricted to the major maintenance aid program established in 20-9-525 unless funding requirements for the program are less than the available funds. Any remaining appropriation authority from the restricted appropriations may be used to augment the appropriations for debt service assistance established in 20-9-367.

Incentivize Increase in Starting Teacher Pay is part of K-12 BASE Aid.

If HB 206 is not passed and approved, State Tuition Payments are increased by \$214,944 general fund in FY 2022 and \$220,649 general fund in FY 2023.

If HB 206 is not passed and approved, In-State Treatment is increased by \$477,893 general fund in FY 2022 and \$450,724 general fund in FY 2023.

General Fund	State Special Revenue	Fiscal 2022			Total	General Fund	State Special Revenue	Fiscal 2023			Total
		Federal Special Revenue	Proprietary	Other				Federal Special Revenue	Proprietary	Other	
BOARD OF PUBLIC EDUCATION (51010)											
1. Administration (01)											
165,377	185,911	0	0	0	351,288	170,225	185,911	0	0	0	356,136
a. Legislative Audit (Restricted/Biennial)											
17,243	0	0	0	0	17,243	0	0	0	0	0	0
b. Legal Fees (Restricted/Biennial/OTO)											
25,000	0	0	0	0	25,000	25,000	0	0	0	0	25,000
Total											
207,620	185,911	0	0	0	393,531	195,225	185,911	0	0	0	381,136
SCHOOL FOR THE DEAF AND BLIND (51130)											
1. Administration Program (01)											
584,373	3,361	0	0	0	587,734	596,124	3,361	0	0	0	599,485
a. Legislative Audit (Restricted/Biennial)											
28,020	0	0	0	0	28,020	0	0	0	0	0	0
2. General Services Program (02)											
571,739	0	0	0	0	571,739	579,741	0	0	0	0	579,741
a. Campus Phone Infrastructure (Restricted/OTO)											
50,000	0	0	0	0	50,000	0	0	0	0	0	0
3. Student Services Program (03)											
1,733,033	0	34,650	0	0	1,767,683	1,796,957	0	34,650	0	0	1,831,607
a. Student Travel (OTO)											
35,000	0	0	0	0	35,000	35,000	0	0	0	0	35,000
4. Education Program (04)											
4,978,887	287,563	148,355	0	0	5,414,805	5,139,719	287,563	148,355	0	0	5,575,637
a. Extra-Curricular Activities (OTO)											
26,938	0	0	0	0	26,938	26,938	0	0	0	0	26,938

Fiscal 2022				Fiscal 2023			
General Fund	State Special Revenue	Federal Special Revenue	Total	General Fund	State Special Revenue	Federal Special Revenue	Total
MONTANA ARTS COUNCIL (51140)							
1. Promotion of the Arts (01)							
527,748	232,341	724,228	1,484,317	530,769	233,095	725,168	1,489,032
a. Legislative Audit (Restricted/Biennial)							
30,175	0	0	30,175	0	0	0	0
Total							
557,923	232,341	724,228	1,514,492	530,769	233,095	725,168	1,489,032
All HB 2 federal funding appropriations for the Montana Arts Council are biennial appropriations.							
MONTANA STATE LIBRARY COMMISSION (51150)							
1. Statewide Library Resources (01)							
2,803,741	1,864,197	883,690	5,551,628	2,860,682	1,864,386	883,700	5,608,768
a. Legislative Audit (Restricted/Biennial)							
25,864	0	0	25,864	0	0	0	0
b. Real Time Network (Restricted/Biennial/OTO)							
0	462,500	0	462,500	0	462,500	0	462,500
c. Montana Land Information Act Funding							
0	828,392	0	828,392	0	828,392	0	828,392
Total							
2,829,605	3,155,089	883,690	6,868,384	2,860,682	3,155,278	883,700	6,899,660
All HB 2 federal funding appropriations for the Montana State Library are biennial appropriations.							
If HB 49 is not passed and approved, the appropriation for Montana Land Information Act Funding is void.							
The Statewide Library Resources includes a reduction in general fund of \$23,455 in FY 2022 and \$23,544 in FY 2023, state special revenue of \$1,546 in FY 2022 and \$1,552 in FY 2023, and federal special revenue of \$136 in FY 2022 and \$136 in FY 2023. The reduction is the equivalent of an additional 1% vacancy savings. The agency may allocate this reduction in funding among programs when developing 2023 biennium operating plans.							

General Fund	Fiscal 2022				Total	Fiscal 2023				Total
	State Special Revenue	Federal Special Revenue	Proprietary	Other		State Special Revenue	Federal Special Revenue	Proprietary	Other	
MONTANA HISTORICAL SOCIETY (51170)										
1. Administration Program (01)										
1,043,816	1,729	108,859	206,290	0	1,360,694	1,071,124	108,946	206,288	0	1,388,087
a. Legislative Audit (Restricted/Biennial)										
47,418	0	0	0	0	47,418	0	0	0	0	0
2. Research Center (02)										
1,143,924	244,945	0	35,124	0	1,423,993	1,208,315	244,934	35,122	0	1,488,371
3. Museum Program (03)										
612,436	584,599	0	3,080	0	1,200,115	632,601	584,597	3,079	0	1,220,277
4. Publications Program (04)										
238,308	0	0	267,350	0	505,658	244,287	0	268,140	0	512,427
5. Education Program (05)										
271,430	120,624	0	25,253	0	417,307	280,217	120,703	25,250	0	426,170
6. Historic Preservation Program (06)										
57,059	0	793,678	52,898	0	903,635	59,009	795,212	52,879	0	907,100
Total										
3,414,391	951,897	902,537	589,995	0	5,858,820	3,495,553	951,963	590,758	0	5,942,432
COMMISSIONER OF HIGHER EDUCATION (51020)										
1. Administration Program (01)										
3,697,901	0	0	610,554	0	4,308,455	3,758,352	0	610,554	0	4,368,906
a. Legislative Audit (Restricted/Biennial)										
66,816	0	0	0	0	66,816	0	0	0	0	0
b. Finishing Trades (Restricted/Biennial/OTO)										
0	0	0	0	0	0	550,000	0	0	0	550,000
c. Bureau of Business and Economic Research Study (Restricted/Biennial/OTO)										
75,000	0	0	0	0	75,000	0	0	0	0	0

	Fiscal 2022				Total	Fiscal 2023				Total
	General Fund	State Special Revenue	Federal Special Revenue	Proprietary Other		General Fund	State Special Revenue	Federal Special Revenue	Proprietary Other	
2. Student Assistance Program (02)										
10,790,983	329,563	0	0	0	11,120,546	11,405,679	329,604	0	0	11,735,283
a. Grow Your Own Teacher Grant Program (Restricted/Biennial/OTO)										
250,000	0	0	0	0	250,000	250,000	0	0	0	250,000
3. Community College Assistance (04)										
14,041,815	0	0	0	0	14,041,815	13,834,645	0	0	0	13,834,645
a. Legislative Audit (Restricted/Biennial)										
116,884	0	0	0	0	116,884	0	0	0	0	0
b. Flathead Valley Community College (OTO)										
300,000	0	0	0	0	300,000	0	0	0	0	0
c. Bitterroot Community College (Restricted/Biennial)										
400,000	0	0	0	0	400,000	0	0	0	0	0
4. Educational Outreach and Diversity (06)										
138,518	0	9,350,022	0	0	9,488,540	140,841	0	9,395,969	0	9,536,810
5. Workforce Development (08)										
92,743	0	6,360,670	0	0	6,453,413	92,733	0	6,361,461	0	6,454,194
6. Appropriation Distribution (09)										
180,814,046	23,539,259	0	0	0	204,353,305	191,427,037	23,727,425	0	0	215,154,462
a. Legislative Audit (Restricted/Biennial)										
603,504	0	0	0	0	603,504	0	0	0	0	0
b. Implementation of HB 102 (Restricted/OTO)										
1,000,000	0	0	0	0	1,000,000	0	0	0	0	0
c. Teacher Education Programs (Restricted/Biennial/OTO)										
500,000	0	0	0	0	500,000	500,000	0	0	0	500,000
d. Workforce Recovery COVID-19 (Restricted/Biennial/OTO)										
375,000	0	0	0	0	375,000	375,000	0	0	0	375,000
e. Accelerate Montana (Restricted/Biennial/OTO)										
750,000	0	0	0	0	750,000	750,000	0	0	0	750,000

	Fiscal 2022			Fiscal 2023		
	General Fund	State Special Revenue	Federal Special Revenue	General Fund	State Special Revenue	Federal Special Revenue
f. Cyber Hub (Restricted/Biennial/OTO)						
750,000	0	0	0	750,000	0	0
7. Research and Development Agencies (10)						
29,871,752	780,968	0	0	30,652,720	819,968	0
a. MAES Seed Lab (Restricted/OTO)						
100,000	0	0	0	100,000	0	0
b. MAES Wool Lab (Restricted/OTO)						
55,000	0	0	0	55,000	0	0
c. MEMG Data Preservation (Restricted/OTO)						
0	300,000	0	0	300,000	0	0
8. Tribal College (11)						
837,875	0	0	0	837,875	0	0
a. HiSET to Tribal Colleges (Restricted/Biennial/OTO)						
175,000	0	0	0	175,000	0	0
9. Guaranteed Student Loan (12)						
0	0	2,354,425	0	0	0	2,354,659
10. Board of Regents (13)						
67,350	0	0	0	67,350	0	0
Total						
245,870,187	24,949,790	18,065,117	610,554	289,495,648	25,176,997	18,112,089

Items designated as OCHE Administration (01), Student Assistance (02), Educational Outreach and Diversity (06), Workforce Development (08), Appropriation Distribution (09), Guaranteed Student Loan (12), and the Board of Regents (13) are designated as biennial appropriations.

General fund money, state and federal special revenue, and proprietary fund revenue appropriated to the Board of Regents are included in all Montana University System programs. All other public funds received by units of the Montana University System (other than plant funds appropriated in HB 5, relating to long-range building) are appropriated to the Board of Regents and may be expended under the provisions of 17-7-138(2), MCA. The Board of Regents shall allocate the appropriations to individual university system units, as defined in 17-7-102(13), MCA, according to board policy.

The Montana University System, except for the Office of the Commissioner of Higher Education and the community colleges, shall provide the Office of Budget and Program Planning and the Legislative Fiscal Division banner access to the entire university system's information system, except for information pertaining

Fiscal 2022				Fiscal 2023			
General Fund	State Special Revenue	Proprietary	Total	General Fund	State Special Revenue	Proprietary	Total
to individual students and individual employees that is protected by Article II, sections 9 and 10, of the Montana Constitution, 20-25-515, MCA, or the Family Educational Rights and Privacy Act of 1974, 20 U.S.C. 1232g.							

The Montana University System shall provide the electronic data required for entering human resource data for the current unrestricted operating funds into the Internet Budgeting and Reporting System (IBARS). The salary and benefit data provided must reflect approved Board of Regents operating budgets.

The average budgeted amount for each full-time equivalent student at the community colleges, includes \$3,264 for each year of the 2023 biennium. The general fund appropriation for OCHE B Community College Assistance provides 48.2% in FY 2022 and 48.2% in FY 2023 of the budget amount for each full-time equivalent student each year of the 2023 biennium. The remaining 51.8% of the budget amount for each full-time equivalent student must be paid from funds other than those appropriated for OCHE B Community College Assistance.

The commissioner may adjust the funding distribution between community colleges based on actual enrollment.

Funding to be transferred to the state energy conservation program debt service account for energy improvements are as follows. Transferred funding for each year of the biennium to retire bonded projects are MSU Northern \$16,700 in FY 2022 and \$16,200 in FY 2023, MSU Billings \$45,519, and Great Falls \$86,500. Funding to be transferred for each year of the biennium for state energy revolving projects are MSU Billings \$55,323, MSU Northern \$64,576, Miles Community College \$23,553, and University of Montana \$294,875. Montana State University transfers are \$277,611 in FY 2022 and \$254,753 in FY 2023.

Total audit costs are estimated to be \$242,498 for the community colleges for the biennium. The general fund appropriation for each community college provides 48.2% of the total audit costs in the 2023 biennium. The remaining 51.8% of these costs must be paid from funds other than those appropriated from OCHE B Community College Assistance B Legislative Audit. Audit costs charged to the community colleges for the biennium may not exceed \$66,388 for Flathead Valley Community College, \$86,994 for Miles Community College, and \$89,116 for Dawson Community College. Total audit cost for OCHE/BOR \$66,816, UM-Missoula \$301,752, and MSU-Bozeman \$301,752.

The Montana University System shall pay \$109,276 for the 2023 biennium in current funds in support of the Montana Natural Resource Information System (NRIS) located at the Montana State Library. Quarterly payments must be made on receipt of the bills from the state library, up to the total appropriated.

The general fund appropriation for Community College Assistance is calculated to fund education in the community colleges for an estimated 2,050 resident FTE in FY 2022 and 2,109 in FY 2023. If total resident FTE student enrollment in the community colleges is greater than the estimated number for the biennium, the community colleges shall serve the additional students without a state general fund contribution. If actual resident FTE student enrollment is less than the estimated numbers for the biennium, the community colleges shall revert general fund money to the state in accordance with 17-7-142.

Implementation of HB 102 is restricted to the provision of full implementation of open and concealed carry of firearms on the Montana University System campuses, including but not limited to firearms training, metal detectors for events, gun safes for campus resident housing, or awareness campaigns. If the Montana University System files a lawsuit contesting the legality of HB 102, Implementation of HB 102 is void.

If HB 403 is not passed and approved, the appropriation for Grow Your Own Teacher Grant Program is void.

Section 12. Rates. Internal service fund type fees and charges established by the legislature for the 2023biennium in compliance with 17-7-123(1)(f)(ii) are as follows:

	<u>Fiscal 2022</u>	<u>Fiscal 2023</u>
DEPARTMENT OF REVENUE B 5801		
1. Citizen Services and Resource Management Division		
Delinquent Account Collection Fee (maximum percent of amount collected)	4.50%	4.30%
DEPARTMENT OF ADMINISTRATION – 6101		
1. Director's Office		
a. Management Services		
Total Allocation of Costs	\$1,498,454	\$1,498,454
Portion of unit for HR charges per FTE of user programs	\$1,047	\$1,090
b. Continuity, Emergency Preparedness, and Security		
Total Allocation of Costs	\$670,770	\$670,713
2. State Financial Services Division		
a. SABHRS Finance and Budget Bureau		
SABHRS Services Fee (total allocation of costs)	\$4,168,579	\$3,974,661
b. Warrant Writer		
Mailer	\$0.83386	\$0.83386
Nonmailer	\$0.36059	\$0.36059
Emergency	\$13.52212	\$13.52212
Duplicates	\$9.01475	\$9.01475
Payroll-Printed Warrants	\$0.15206	\$0.15206
Externals		
University System	\$0.12170	\$0.12170
Direct Deposit		
Direct Deposit - Mailer	\$0.99162	\$0.99162
Direct Deposit - No Advice Printed	\$0.13522	\$0.13522
Unemployment Insurance		
Mailer - Print Only	\$0.11847	\$0.11847
Direct Deposit - No Advice Printed	\$0.02982	\$0.02982
3. General Services Division		
a. Facilities Management Bureau		
Office Rent (per sq. ft.)	\$11.357	\$11.369
Nonoffice Rent (per sq. ft.)	\$7.000	\$7.000
Grounds Maintenance (per sq.ft. - only one building)	\$0.615	\$0.615
Project Management - In-house	15%	15%
Project Management - Consultation	Actual Cost	Actual Cost
State Employee Access ID Card	Actual Cost	Actual Cost
b. Print and Mail Services		
Internal Printing		
Impression Cost	Cost + 25%	Cost + 25%
Large Format Color	Cost + 25%	Cost + 25%
Ink	Cost + 25%	Cost + 25%
Bindery Work	Cost + 25%	Cost + 25%
Variable Data Printing	Cost + 25%	Cost + 25%
Pick and Pack Fulfillment	\$1.00	\$1.00
Overtime	\$30.00	\$30.00
Desktop	\$75.00	\$75.00
Scan	Cost + 25%	Cost + 25%
IT Programming	\$95.00	\$95.00
File Transfer	\$25.00	\$25.00
Mainframe Printing	\$0.071	\$0.071
Warrant Printing	\$0.250	\$0.250

CD/DVD Duplicating	Cost + 25%	Cost + 25%
Prepress Work	Cost + 25%	Cost + 25%
Inventory Mark Up	20.00%	20.00%
External Printing		
Percent of Invoice Mark Up	8.80%	8.80%
Managed Print		
Percent of Invoice Mark Up	15.9%	15.9%
Mail Preparation		
Tabbing	\$0.023	\$0.023
Labeling	\$0.023	\$0.023
Ink Jet	\$0.036	\$0.036
Inserting	\$0.045	\$0.045
Waymark	\$0.069	\$0.069
Permit Mailings	\$0.069	\$0.069
Mail Operations		
Machinable	\$0.043	\$0.043
Nonmachinable	\$0.110	\$0.110
Seal Only	\$0.020	\$0.020
Postcards	\$0.070	\$0.070
Certified Mail	\$0.620	\$0.620
Registered Mail	\$0.614	\$0.614
International Mail	\$0.510	\$0.510
Flats	\$0.150	\$0.150
Priority	\$0.614	\$0.614
Express Mail	\$0.614	\$0.614
USPS Parcels	\$0.510	\$0.510
Insured Mail	\$0.614	\$0.614
Media Mail	\$0.320	\$0.320
Standard Mail	\$0.200	\$0.200
Postage Due	\$0.061	\$0.061
Fee Due	\$0.061	\$0.061
Tapes	\$0.245	\$0.245
Express Services	\$0.500	\$0.500
Mail Tracking	\$0.250	\$0.250
Cass Letters/Postcards	\$0.047	\$0.047
Cass Flats	\$0.100	\$0.100
Flat Sorter	\$0.250	\$0.250
Interagency Mail	\$376,025 yearly	\$376,025 yearly
Postal Contract (Capitol)	\$38,976 yearly	\$38,976 yearly
4. State Information Technology Services Division		
Rates Maintained/Based on SITSD's Tech Budget Model		
Operations of the Division	30-Day Working Capital Reserve	
5. Health Care and Benefits Division		
a. Workers' Compensation Management Program		
Administrative Fee	\$0.97	\$0.97
6. State Human Resources Division		
a. Intergovernmental Training		
Open Enrollment Courses		
Two-Day Course (per participant)	\$190.00	\$190.00
One-Day Course (per participant)	\$123.00	\$123.00
Half-Day Course (per participant)	\$95.00	\$95.00
Eight-Day Management Series (per participant)	\$800.00	\$800.00
Six-Day Management Series (per participant)	\$600.00	\$600.00
Four-Day Administrative Series (per participant)	\$400.00	\$400.00

Contract Courses		
Full-Day Training (flat fee)	\$830.00	\$830.00
Half-Day Training (flat fee)	\$570.00	\$570.00
Computer Maintenance Charges (course specific)	\$10.00	\$10.00
b. Human Resources Information System Fee		
Per payroll warrant advice per pay period	\$9.99	\$9.99
7. Risk Management and Tort Defense		
Auto Liability, Comprehensive, and Collision (total allocation to agencies)	\$1,820,313	\$1,820,313
Aviation (total allocation to agencies)	\$169,961	\$169,961
General Liability (total allocation to agencies)	\$14,613,042	\$14,613,042
Property/Miscellaneous (total allocations to agencies)	\$9,009,000	\$9,009,000

DEPARTMENT OF COMMERCE B 6501

1. Board of Investments

For the purposes of [this act], the legislature defines “rates” as the total collections necessary to operate the board of investments as follows:

a. Administration Charge (total)	\$7,471,401	\$7,695,543
2. Director's Office/Management Services		
a. Management Services Indirect Charge Rate		
State	14.78%	14.78%
Federal	14.78%	14.78%

DEPARTMENT OF LABOR AND INDUSTRY B 6602

1. Centralized Services Division

a. Cost Allocation Plan	8.75%	8.85%
b. Office of Legal Services (direct hourly rate)	\$102	\$102
2. Technology Services Division		
a. Technical Services (per FTE)	\$266	\$266
b. Application Services (per hour)	\$84	\$84
c. Enterprise Services Rate (Total amount allocated to divisions based on FTE)	\$1,446,657	\$1,450,391
d. Direct Services Rate (pass through to divisions)	Actual cost	Actual Cost

DEPARTMENT OF FISH, WILDLIFE, AND PARKS – 5201

1. Vehicle and Aircraft Rates

In the Fish, Wildlife, and Parks motor pool program, if the price of gasoline goes above \$2.62 per gallon, tier two rates may be charged if approved by the Office of Budget and Program Planning. If the price of gasoline goes above \$3.12 per gallon, tier three rates may be charged if approved by the Office of Budget and Program Planning.

Per Hour Rates

a. Two-Place Single Engine	\$357.00	\$357.00
b. Four-Place Single Engine	\$357.00	\$357.00
c. Turbine Helicopters	\$803.00	\$804.00

Tier one

a. Class 210 (sedan)		
Per Hour Assigned	\$0.63	\$0.63
Per Mile Operated	\$0.14	\$0.14
b. Class 310 (van)		
Per Hour Assigned	\$0.26	\$0.26
Per Mile Operated	\$0.22	\$0.22
c. Class 410 (utility)		
Per Hour Assigned	\$1.44	\$1.44
Per Mile Operated	\$0.22	\$0.22
d. Class 610 (2 ton pickup)		
Per Hour Assigned	\$1.04	\$1.04
Per Mile Operated	\$0.25	\$0.25

e. Class 710 (3/4 ton pickup)		
Per Hour Assigned	\$1.48	\$1.48
Per Mile Operated	\$0.30	\$0.30
Tier two (contingent \$2.62/gallon)		
a. Class 210 (sedan)		
Per Hour Assigned	\$0.63	\$0.63
Per Mile Operated	\$0.16	\$0.16
b. Class 310 (van)		
Per Hour Assigned	\$0.26	\$0.26
Per Mile Operated	\$0.24	\$0.24
c. Class 410 (utility)		
Per Hour Assigned	\$1.44	\$1.44
Per Mile Operated	\$0.25	\$0.25
d. Class 610 (2 ton pickup)		
Per Hour Assigned	\$1.04	\$1.04
Per Mile Operated	\$0.28	\$0.28
e. Class 710 (3/4 ton pickup)		
Per Hour Assigned	\$1.48	\$1.48
Per Mile Operated	\$0.34	\$0.34
Tier three (contingent \$3.12/gallon)		
a. Class 210 (sedan)		
Per Hour Assigned	\$0.63	\$0.63
Per Mile Operated	\$0.17	\$0.17
b. Class 310 (van)		
Per Hour Assigned	\$0.26	\$0.26
Per Mile Operated	\$0.27	\$0.27
c. Class 410 (utility)		
Per Hour Assigned	\$1.44	\$1.44
Per Mile Operated	\$0.27	\$0.27
d. Class 610 (2 ton pickup)		
Per Hour Assigned	\$1.04	\$1.04
Per Mile Operated	\$0.31	\$0.32
e. Class 710 (3/4 ton pickup)		
Per Hour Assigned	\$1.48	\$1.48
Per Mile Operated	\$0.38	\$0.38
2. Warehouse Overhead Rate	35%	35%

DEPARTMENT OF ENVIRONMENTAL QUALITY -- 5301

Indirect Rate

a. Personal Services	24%	24%
b. Operating Expenditures	4%	4%

DEPARTMENT OF TRANSPORTATION -- 5401

1. State Motor Pool

In the motor pool program, if the price of gasoline goes above \$2.76, tier two rates may be charged if approved by the Office of Budget and Program Planning. If the price of gasoline goes above \$3.26, tier three rates may be charged if approved by the Office of Budget and Program Planning.

Tier one

a. Class 02 (small utilities)		
Per Hour Assigned	\$1.408	\$1.522
Per Mile Operated	\$0.113	\$0.113
b. Class 04 (large utilities)		
Per Hour Assigned	\$1.688	\$1.812
Per Mile Operated	\$0.163	\$0.164

c. Class 05 (hybrid sedans)		
Per Hour Assigned	\$1.005	\$1.074
Per Mile Operated	\$0.103	\$0.104
d. Class 06 (midsize compacts)		
Per Hour Assigned	\$1.161	\$1.244
Per Mile Operated	\$0.113	\$0.114
e. Class 07 (small pickups)		
Per Hour Assigned	\$0.496	\$0.514
Per Mile Operated	\$0.162	\$0.163
f. Class 11 (large pickups)		
Per Hour Assigned	\$1.314	\$1.428
Per Mile Operated	\$0.177	\$0.178
g. Class 12 (vans B all types)		
Per Hour Assigned	\$1.453	\$1.571
Per Mile Operated	\$0.139	\$0.140
Tier two (contingent \$2.76/gallon)		
a. Class 02 (small utilities)		
Per Hour Assigned	\$1.408	\$1.522
Per Mile Operated	\$0.132	\$0.133
b. Class 04 (large utilities)		
Per Hour Assigned	\$1.688	\$1.812
Per Mile Operated	\$0.192	\$0.193
c. Class 05 (hybrid sedans)		
Per Hour Assigned	\$1.005	\$1.074
Per Mile Operated	\$0.116	\$0.117
d. Class 06 (midsize compacts)		
Per Hour Assigned	\$1.161	\$1.244
Per Mile Operated	\$0.131	\$0.132
e. Class 07 (small pickups)		
Per Hour Assigned	\$0.496	\$0.514
Per Mile Operated	\$0.190	\$0.191
f. Class 11 (large pickups)		
Per Hour Assigned	\$1.314	\$1.428
Per Mile Operated	\$0.209	\$0.210
g. Class 12 (vans B all types)		
Per Hour Assigned	\$1.453	\$1.571
Per Mile Operated	\$0.165	\$0.165
Tier three (contingent \$3.26/gallon)		
a. Class 02 (small utilities)		
Per Hour Assigned	\$1.408	\$1.522
Per Mile Operated	\$0.152	\$0.153
b. Class 04 (large utilities)		
Per Hour Assigned	\$1.688	\$1.812
Per Mile Operated	\$0.221	\$0.221
c. Class 05 (hybrid sedans)		
Per Hour Assigned	\$1.005	\$1.074
Per Mile Operated	\$0.130	\$0.130
d. Class 06 (midsize compacts)		
Per Hour Assigned	\$1.161	\$1.244
Per Mile Operated	\$0.149	\$0.149
e. Class 07 (small pickups)		
Per Hour Assigned	\$0.496	\$0.514
Per Mile Operated	\$0.218	\$0.219
f. Class 11 (large pickups)		
Per Hour Assigned	\$1.314	\$1.428
Per Mile Operated	\$0.242	\$0.242

g. Class 12 (vans B all types)		
Per Hour Assigned	\$1.453	\$1.571
Per Mile Operated	\$0.190	\$0.191
2. Equipment Program		
All of Program Operations	60-day working capital reserve	
3. King Air Beechcraft		
Per Hour	\$1,348.11	\$1,362.39

DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION -- 5706

1. Air Operations Program		
a. Bell UH-1H	\$1,650	\$1,650
b. Bell Jet Ranger	\$515	\$515
c. Cessna 180 Series	\$175	\$175

DEPARTMENT OF JUSTICE B 4110

1. Agency Legal Services		
a. Attorney (per hour)	\$121.00	\$121.00
b. Investigator (per hour)	\$71.00	\$71.00

DEPARTMENT OF CORRECTIONS - 6401

1. Labor Charge for Motor Vehicle Maintenance (per hour)	\$28.45	\$28.45
2. Supply Fee as a Percentage of Actual Costs of Parts	10%	10%
3. Cook/Chill Rate -- Hot/Cold Base Tray Price (no delivery)	\$2.45	\$2.45
4. Cook/Chill Rate B Hot Base Tray Price	\$1.32	\$1.32
5. Delivery Charge Per Mile	\$0.50	\$0.50
6. Delivery Charge Per Hour	\$35.00	\$35.00
7. Spoilage Percentage All Customers	5%	5%
8. Detention Center Trays	\$3.05	\$3.05
9. Accessory Package	\$0.20	\$0.20
10. Overhead Charge		
a. Montana State Hospital	10%	10%
b. Montana State Prison	90%	90%
c. Treasure State Correctional Training	0%	0%
11. Base Laundry Price per pound	\$0.68	\$0.68
Delivery Charge per pound		
a. Riverside Youth Correctional Facility	\$0.05	\$0.05
b. Montana Law Enforcement Academy	\$0.15	\$0.15
c. Montana Chemical Dependency Corp.	\$0.04	\$0.04
d. START Program	\$0.01	\$0.01
e. University of Montana per shared round trip	\$67.50	\$67.50
f. Montana Development Center	\$0	\$0
g. Montana State Hospital	\$0	\$0

OFFICE OF PUBLIC INSTRUCTION - 3501

1. OPI Indirect Cost Pool		
a. Unrestricted Rate	17%	17%
b. Restricted Rate	17%	17%

Approved May 20, 2021

CHAPTER NO. 574

[HB 92]

AN ACT PROVIDING COMPENSATION FOR PEOPLE WHO HAVE BEEN WRONGLY CONVICTED OF FELONY CRIMES AND EXONERATED; PROVIDING A PROCEDURE FOR FILING AND DETERMINING PETITIONS FOR COMPENSATION; PROVIDING FOR AN ELECTION OF REMEDIES; PROVIDING FOR EXPUNGEMENT OF CONVICTION AND THE PAYMENT OF DAMAGES FOR SUCCESSFUL PETITIONS; PROVIDING OFFSETS FOR DAMAGES OBTAINED IN OTHER LITIGATION; PROVIDING FOR COUNTY AND CONSOLIDATED GOVERNMENT CONTRIBUTION TOWARD DAMAGES, COSTS, AND ATTORNEY FEES AWARDED; CREATING A STATE SPECIAL REVENUE ACCOUNT; PROVIDING A TRANSFER; PROVIDING A STATUTORY APPROPRIATION; AMENDING SECTIONS 17-7-502 AND 46-23-1041, MCA; AND PROVIDING AN EFFECTIVE DATE AND A TERMINATION DATE.

Be it enacted by the Legislature of the State of Montana:

Section 1. Definitions. As used in [sections 1 through 8], the following definitions apply:

- (1) “Claimant” means a person who:
 - (a) was convicted and subsequently imprisoned for one or more felony crimes that the person did not commit; and
 - (b) is not currently serving a term of imprisonment; and
 - (c) meets the requirements of [section 2].
- (2) “Imprisonment” means a term of confinement of at least 6 months in a correctional institution as defined in 45-2-101.

Section 2. Contents of petition – establishment of claim for compensation. (1) A claimant may bring a civil action against the state and county of conviction in the district court in which the conviction originated to seek the relief provided for in [section 6]. All claims of compensation are governed by the Montana Rules of Civil Procedure. The claim must be:

- (a) accompanied by a statement of facts explaining the basis of the claim, including a proffer establishing actual innocence;
- (b) written and verified by the claimant under penalty of perjury; and
- (c) filed within a period of 3 years after:
 - (i) dismissal of the criminal charges against the claimant or a finding of not guilty on retrial; or
 - (ii) the grant of a pardon to the claimant if the pardon is based on innocence for the act that was the basis of the conviction.

(2) A claimant convicted, imprisoned, and released from custody before July 1, 2021, who intends to bring an action under [sections 1 through 8] shall commence the action no later than July 1, 2024.

(3) All pleadings must be captioned as follows: “In the matter of the wrongful conviction of [name of claimant].”

(4) (a) A claimant who meets the criteria in subsection (1) and intends to bring an action under [sections 1 through 8] must receive a transition assistance grant of \$5,000 from the department of corrections within 30 days of the claimant’s release from imprisonment.

(b) The claimant shall verify by affidavit filed with the department of corrections that the claimant satisfies the requirements set forth in subsection (1), under penalty of perjury.

(c) If the claimant fails to file a claim within the time period described in this section, or if the claim is denied by the district court, the claimant shall reimburse the state in the amount of \$5,000 within 1 year following receipt of the grant money.

Section 3. Election of remedies. (1) To be eligible to receive relief under [section 2], the claimant shall affirmatively waive any and all other remedies, causes of action, and other forms of relief or compensation against the state, any political subdivision of the state, and their officers, employees, agents, and volunteers related to the claimant's wrongful conviction and imprisonment. This waiver includes all state, common law, and federal claims for relief, including claims pursuant to 42 U.S.C. 1983. The claimant shall execute a release of all claims against the state, any political subdivision of the state, and their officers, employees, agents and volunteers arising from the facts contained in the petition prior to the payment of any damages or compensation or the receipt of a housing voucher under [section 6].

(2) An individual who has a legal proceeding pending or in which judgment has been entered in state or federal court seeking damages or relief for wrongful conviction or imprisonment based on facts that could establish a cognizable claim pursuant to [sections 1 through 8] may not bring a claim under [section 2].

Section 4. Commencement of proceedings – burden of proof.

(1) A claimant is entitled to a hearing in district court as expeditiously as possible after filing a claim for compensation.

(2) A claim filed pursuant to [sections 1 through 8] must be served on the department of justice and the county of conviction. The department shall provide a defense for the state and the county of conviction shall provide its own defense for claims filed under [sections 1 through 8].

(3) A claim filed under [sections 1 through 8] must be tried by a jury unless a jury trial is waived upon agreement of the parties.

(4) If a claimant dies prior to filing or during pendency of a claim under [sections 1 through 8], the person's estate may file or maintain a claim pursuant to [sections 1 through 8].

(5) The claimant must prove by a preponderance of the evidence that:

(a) the claimant did not commit the crime or crimes for which the claimant was convicted, did not aid, abet, or act as an accomplice or accessory to a person who committed the acts that were the basis of the conviction, and did not commit a lesser offense necessarily included in the crime for which the claimant was convicted;

(b) the claimant did not commit perjury under 45-7-201, fabricate evidence, or by the claimant's own conduct cause or bring about the conviction. A confession or admission that is later found to be false or a guilty plea that is withdrawn does not constitute committing perjury, fabricating evidence, or causing or bringing about the conviction, and 45-7-201 does not apply.

(c) (i) the claimant's conviction was reversed or vacated and either the claimant was not retried and the charges were dismissed, or the claimant was retried and was found not guilty, and the basis for reversing or vacating the conviction was not legal error unrelated to factual innocence; or

(ii) the claimant was pardoned by the board of pardons and parole or the governor on the grounds that the claimant was innocent of the act for which the claimant was convicted.

(6) The court, in exercising its discretion regarding the weight and admissibility of evidence submitted under this section, may in the interest of justice give due consideration to difficulties of proof caused by the passage of time, the death or unavailability of witnesses, the destruction of evidence, or

other factors not caused by claimants, the state, the county of conviction, or those acting on their behalf.

(7) If the court finds that the claimant is entitled to judgment, the court shall enter a certificate of innocence finding that the claimant is innocent of all crimes for which the claimant was mistakenly convicted. The clerk of the court shall send a certified copy of the certificate of innocence and the judgment to the department of justice and the county of conviction for payment pursuant to [sections 1 through 8].

(8) The decision of the district court may be appealed directly to the supreme court.

Section 5. Expungement. (1) Upon entry of a certificate of innocence, the court shall order the associated convictions and arrest records expunged and purged from all applicable systems, including both electronic and hard copy systems. The court shall enter the expungement order regardless of whether the claimant has prior criminal convictions in other cases that are not the subject of the claim for compensation.

(2) The order of expungement must state:

- (a) the claimant's current full name;
- (b) the claimant's full name at the time of arrest and conviction, if different from the claimant's current name;
- (c) the claimant's sex, race, and date of birth;
- (d) the crime for which the claimant was arrested and convicted;
- (e) the date of the claimant's arrest and the date of the claimant's conviction; and
- (f) the identity of the arresting law enforcement authority and the identity of the district court that rendered the conviction.

(3) The order of expungement also must direct the department of justice to purge the conviction and arrest information from the central repository of the criminal justice information network and all applicable databases. The clerk of the court shall send a certified copy of the order to the department of justice for immediate action, and the department shall carry out the order and notify the federal bureau of investigation, the department of corrections, and any other criminal justice agency that may have a record of the conviction and arrest. The department of justice shall provide confirmation of the action to the court.

(4) If a certificate of innocence and an order of expungement are entered, the claimant must be treated as not having been arrested or convicted of the crime or crimes to which the certificate of innocence applies.

(5) (a) Upon entry of a certificate of innocence:

(i) the court shall order the expungement and destruction of any associated biological samples from the claimant. The order must state the information required to be expunged and destroyed.

(ii) the court shall seal all district court records regarding the conviction. The district court records are only available upon a good cause finding by the court.

(iii) the clerk of the court shall send a certified copy of the order to the department of justice, which must carry out the order and provide confirmation of the action to the court.

(b) The department is not required to expunge and destroy any samples record associated with the claimant related to an offense other than the offense or offenses for which the court has entered a certificate of innocence.

(6) The decision to grant or deny a certificate of innocence does not have a res judicata effect on any other criminal proceedings involving the claimant.

Section 6. Damages. (1) Damages, except as provided in subsection (3), awarded under this section are:

(a) \$60,000 for each year of imprisonment; and
(b) \$25,000 for each additional year served on parole or probation supervision or for each additional year the claimant was required to register as a sexual or violent offender, whichever is greater.

(2) Compensation awarded under [sections 1 through 8] is not subject to the monetary limitation under 2-9-108.

(3) All damages must be paid out of the account provided for in [section 8].

(4) A claimant is not entitled to receive compensation for any period of imprisonment during which the claimant was concurrently serving a sentence for a conviction of another crime for which the claimant was lawfully convicted and incarcerated.

(5) (a) Except as provided in subsection (5)(b), the court shall order that the award be paid as a combination of an initial payment not to exceed \$100,000 or 25% of the award, whichever is greater, and the remainder as an annuity not to exceed \$80,000 a year.

(b) (i) On July 1 of each year, the award increases by an amount equal to the percentage increase, if any, for the preceding calendar year in the annual average consumer price index for urban wage earners, compiled by the bureau of labor statistics of the United States department of labor or its successor agency.

(ii) The amount for any partial year must be prorated in order to compensate only for the portion of the year when the claimant was incarcerated.

(c) The claimant shall designate a beneficiary or beneficiaries for the annuity by filing a beneficiary designation with the court.

(d) The court may order that the award be paid in one lump sum if the court finds that it is in the best interests of the claimant.

(6) (a) In addition to the damages awarded pursuant to subsection (1), a claimant:

(i) is entitled to receive costs, including but not limited to the actual cost of all expenses reasonably incurred in an action brought pursuant to [sections 1 through 8], and reasonable attorney fees, not to exceed a total of \$25,000

(ii) is entitled to up to 2 years of tuition assistance at any unit or campus of the Montana university system, which must be used during the first 5 years after receiving a damages award; and

(iii) is entitled to 1 year of state-funded medical insurance.

(b) All funds received by the claimant and the value of services provided, except any attorney fees retained by counsel, are exempt from state income taxes.

(7) The department of corrections shall provide a housing voucher pursuant to 46-23-1041 to the claimant while an action under [sections 1 through 8] is pending.

Section 7. Offset provision. In the event the waiver or release provided under [section 3(1)] is held invalid in whole or in part for any reason:

(1) if, at the time of an award of monetary damages or compensation under [section 6], the claimant has also been awarded damages against the state, a political subdivision, or their officers, employees, agents, or volunteers in a civil action related to the claimant's same wrongful conviction or imprisonment, including any settlement, the amount awarded under [section 6] must be reduced by the amount of damages or compensation previously awarded; and

(2) if, after the time of an award of monetary damages or compensation under [section 6], the claimant is awarded damages against the state, a political

subdivision, or their officers, employees, agents, or volunteers in a civil action related to the claimant's same wrongful conviction or imprisonment, including any settlement, the claimant shall reimburse to the state or a political subdivision of the state any amount awarded under [section 6].

Section 8. Exoneree compensation fund. (1) There is an account in the state special revenue fund established in 17-2-102 known as the exoneree compensation fund.

(2) Money in this account may be used only to pay compensation awarded under [sections 1 through 8].

(3) (a) Funds in the account may come from grants, gifts, donations, fund transfers, and funds received from counties and consolidated local governments.

(b) The county or consolidated government where the exoneree was convicted is responsible for 75% of the damages, costs of medical insurance and tuition, costs, and attorney fees awarded to a claimant.

(c) The department of administration shall invoice the responsible county or consolidated government no later than 30 days from the appeal deadline, if no appeal is filed, or no later than 30 days from entry of remittitur by the Montana supreme court.

(d) The county or consolidated local government shall remit payment to the state no later than 30 days of receipt of the invoice.

(4) The money in the account may be invested pursuant to Title 17, chapter 6. The income and earnings on the account must be deposited in the account.

(5) Funds in the account are statutorily appropriated, as provided in 17-7-502, to the department of administration for payment of damages, costs of medical insurance and tuition, costs, and attorney fees awarded pursuant to [section 6].

Section 9. Section 17-7-502, MCA, is amended to read:

“17-7-502. Statutory appropriations – definition – requisites for validity. (1) A statutory appropriation is an appropriation made by permanent law that authorizes spending by a state agency without the need for a biennial legislative appropriation or budget amendment.

(2) Except as provided in subsection (4), to be effective, a statutory appropriation must comply with both of the following provisions:

(a) The law containing the statutory authority must be listed in subsection (3).

(b) The law or portion of the law making a statutory appropriation must specifically state that a statutory appropriation is made as provided in this section.

(3) The following laws are the only laws containing statutory appropriations: 2-17-105; 5-11-120; 5-11-407; 5-13-403; 5-13-404; 7-4-2502; 10-1-108; 10-1-1202; 10-1-1303; 10-2-603; 10-2-807; 10-3-203; 10-3-310; 10-3-312; 10-3-314; 10-3-802; 10-3-1304; 10-4-304; 15-1-121; 15-1-218; 15-31-1004; 15-31-1005; 15-35-108; 15-36-332; 15-37-117; 15-39-110; 15-65-121; 15-70-101; 15-70-130; 15-70-433; 16-11-119; 16-11-509; 17-3-106; 17-3-212; 17-3-222; 17-3-241; 17-6-101; 17-7-215; 18-11-112; 19-3-319; 19-3-320; 19-6-404; 19-6-410; 19-9-702; 19-13-604; 19-17-301; 19-18-512; 19-19-305; 19-19-506; 19-20-604; 19-20-607; 19-21-203; 20-8-107; 20-9-534; 20-9-622; 20-9-905; 20-26-617; 20-26-1503; 22-1-327; 22-3-116; 22-3-117; 22-3-1004; 23-4-105; 23-5-306; 23-5-409; 23-5-612; 23-7-301; 23-7-402; 30-10-1004; 37-43-204; 37-50-209; 37-54-113; 39-71-503; 41-5-2011; 42-2-105; 44-4-1101; 44-12-213; 44-13-102; [section 8]; 50-1-115; 53-1-109; 53-6-148; 53-9-113; 53-24-108; 53-24-206; 60-11-115; 61-3-321; 61-3-415; 67-1-309; 69-3-870; 69-4-527; 75-1-1101; 75-5-1108; 75-6-214; 75-11-313; 75-26-308; 76-13-151;

76-13-150; 76-17-103; 76-22-109; 77-1-108; 77-2-362; 80-2-222; 80-4-416; 80-11-518; 80-11-1006; 81-1-112; 81-1-113; 81-7-106; 81-7-123; 81-10-103; 82-11-161; 85-2-526; 85-20-1504; 85-20-1505; [85-25-102]; 87-1-603; 90-1-115; 90-1-205; 90-1-504; 90-6-331; and 90-9-306.

(4) There is a statutory appropriation to pay the principal, interest, premiums, and costs of issuing, paying, and securing all bonds, notes, or other obligations, as due, that have been authorized and issued pursuant to the laws of Montana. Agencies that have entered into agreements authorized by the laws of Montana to pay the state treasurer, for deposit in accordance with 17-2-101 through 17-2-107, as determined by the state treasurer, an amount sufficient to pay the principal and interest as due on the bonds or notes have statutory appropriation authority for the payments. (In subsection (3): pursuant to sec. 10, Ch. 360, L. 1999, the inclusion of 19-20-604 terminates contingently when the amortization period for the teachers' retirement system's unfunded liability is 10 years or less; pursuant to sec. 73, Ch. 44, L. 2007, the inclusion of 19-6-410 terminates contingently upon the death of the last recipient eligible under 19-6-709(2) for the supplemental benefit provided by 19-6-709; pursuant to sec. 27, Ch. 285, L. 2015, and sec. 1, Ch. 292, L. 2015, the inclusion of 53-9-113 terminates June 30, 2021; pursuant to sec. 6, Ch. 291, L. 2015, the inclusion of 50-1-115 terminates June 30, 2021; pursuant to sec. 5, Ch. 383, L. 2015, the inclusion of 85-25-102 is effective on occurrence of contingency; pursuant to sec. 6, Ch. 423, L. 2015, the inclusion of 22-3-116 and 22-3-117 terminates June 30, 2025; pursuant to sec. 33, Ch. 457, L. 2015, the inclusion of 20-9-905 terminates December 31, 2023; pursuant to sec. 12, Ch. 55, L. 2017, the inclusion of 37-54-113 terminates June 30, 2023; pursuant to sec. 4, Ch. 122, L. 2017, the inclusion of 10-3-1304 terminates September 30, 2025; pursuant to sec. 55, Ch. 151, L. 2017, the inclusion of 30-10-1004 terminates June 30, 2021; pursuant to sec. 1, Ch. 213, L. 2017, the inclusion of 90-6-331 terminates June 30, 2027; pursuant to secs. 5, 8, Ch. 284, L. 2017, the inclusion of 81-1-112, 81-1-113, and 81-7-106 terminates June 30, 2023; pursuant to sec. 1, Ch. 340, L. 2017, the inclusion of 22-1-327 terminates July 1, 2023; pursuant to sec. 10, Ch. 374, L. 2017, the inclusion of 76-17-103 terminates June 30, 2027; pursuant to sec. 5, Ch. 50, L. 2019, the inclusion of 37-50-209 terminates September 30, 2023; pursuant to sec. 1, Ch. 408, L. 2019, the inclusion of 17-7-215 terminates June 30, 2029; pursuant to secs. 11, 12, and 14, Ch. 343, L. 2019, the inclusion of 15-35-108 terminates June 30, 2027; pursuant to sec. 7, Ch. 465, L. 2019, the inclusion of 85-2-526 terminates July 1, 2023; and pursuant to sec. 5, Ch. 477, L. 2019, the inclusion of 10-3-802 terminates June 30, 2023.)"

Section 10. Section 46-23-1041, MCA, is amended to read:

"46-23-1041. Rental vouchers. (1) If the department does not approve an offender's parole plan because the offender is unable to secure suitable living arrangements, the department may provide rental vouchers to the offender for a period not to exceed 3 months if the rental assistance will result in an approved parole plan.

(2) *The department shall provide a rental voucher to a claimant if required by [section 6(7)].*

(2)(3) The voucher provided pursuant to subsection (1) must be provided in conjunction with additional transition support that enables the offender to participate in programs and services, including but not limited to substance abuse treatment, mental health treatment, sex offender treatment, educational programming, or employment programming."

Section 11. Transfer of funds. After the appeal deadline, if no appeal is filed, or no later than 30 days from entry of remittitur by the Montana supreme

court, 25% of the damages, costs of medical insurance and tuition, costs, and attorney fees awarded to the claimant shall be transferred from the general fund to the account established in [section 8].

Section 12. Codification instruction. [Sections 1 through 8] are intended to be codified as an integral part of Title 46, and the provisions of Title 46 apply to [sections 1 through 8].

Section 13. Severability. If a part of [this act] is invalid, all valid parts that are severable from the invalid part remain in effect. If a part of [this act] is invalid in one or more of its applications, the part remains in effect in all valid applications that are severable from the invalid applications.

Section 14. Effective date. [This act] is effective July 1, 2021.

Section 15. Termination. [This act] terminates June 30, 2023.

Approved May 20, 2021

CHAPTER NO. 575

[SB 388]

AN ACT GENERALLY REVISING PROPERTY TAX LAWS; REVISING TARGETED ECONOMIC DEVELOPMENT DISTRICT LAWS; PROVIDING FOR INFRASTRUCTURE THROUGH TAX INCREMENT FINANCING; PROVIDING THE TAX INCREMENT MAY NOT INCLUDE CERTAIN STATE EQUALIZATION MILLS FOR ELEMENTARY AND HIGH SCHOOL EDUCATION; LIMITING THE DURATION OF A FUTURE TAX INCREMENT PROVISION; AMENDING SECTIONS 7-15-4279, 7-15-4283, 7-15-4286, 7-15-4288, AND 7-15-4292, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.

Be it enacted by the Legislature of the State of Montana:

Section 1. Section 7-15-4279, MCA, is amended to read:

“7-15-4279. Targeted economic development districts. (1) A local government may, by ordinance and following a public hearing, authorize the creation of a targeted economic development district in support of value-adding economic development projects. The purpose of the district is the development of infrastructure to encourage the location and retention of value-adding projects in the state.

(2) A targeted economic development district:

(a) must consist of a continuous area with an accurately described boundary that is large enough to host a diversified tenant base of multiple independent tenants;

(b) must be zoned *to permit the supported value-adding economic development uses for which the district is intended or unzoned, provided development of the district is:*

(i) for uses by a local government under Title 76, chapter 2, part 2 or 3, in accordance with the area growth policy, as defined in 76-1-103; or

(ii) if a county has not adopted a growth policy, then for uses in accordance with the development pattern and zoning regulations or the development district adopted under Title 76, chapter 2, part 1;

(c) may not comprise any property included within an existing tax increment financing district;

(d) must, prior to its creation, be found to be deficient in infrastructure improvements as stated in the resolution of necessity adopted under 7-15-4280;

(e) must, prior to its creation, have in place a comprehensive development plan adopted by the local governments that ensures that the district can host a diversified tenant base of multiple independent tenants; and

(f) may not be designed to serve the needs of a single district tenant or group of nonindependent tenants.

(3) The local government may use tax increment financing pursuant to the provisions of 7-15-4282 through 7-15-4294 for the targeted economic development district. If the local government uses tax increment financing, the use of and purpose for tax increment financing must be specified in the comprehensive development plan required in subsection (2)(e). The plan must also describe how the expenditure of tax increment will promote the development of infrastructure to encourage the location and retention of value-adding projects in the targeted economic development district.

(4) For the purposes of 7-15-4277 through 7-15-4280:

(a) ~~“secondary value-added products or commodities” means products or commodities that are manufactured, processed, produced, or created by changing the form of raw materials or intermediate products into more valuable products or commodities that are capable of being sold or traded in interstate commerce;~~

(b) ~~“secondary value-adding industry” means a business that produces secondary value-added products or commodities or a business or organization that is engaged in technology-based operations within Montana that, through the employment of knowledge or labor, adds value to a product, process, or export service resulting in the creation of new wealth.”~~

Section 2. Section 7-15-4283, MCA, is amended to read:

“7-15-4283. Definitions related to tax increment financing. For purposes of 7-15-4277 through 7-15-4280 and 7-15-4282 through 7-15-4294, the following definitions apply unless otherwise provided or indicated by the context:

(1) “Actual taxable value” means the taxable value of all taxable property at any time, as calculated from the property tax record.

(2) “Base taxable value” means the actual taxable value of all taxable property within an urban renewal area or targeted economic development district as it appears on the property tax record prior to the effective date of a tax increment financing provision. This value may be adjusted as provided in 7-15-4287 or 7-15-4293.

(3) “Incremental taxable value” means the amount, if any, by which the actual taxable value at any time exceeds the base taxable value of all taxable property within an urban renewal area or targeted economic development district.

(4) *“Infrastructure” means tangible facilities and assets related to water, sewer, wastewater treatment, storm water, solid waste and utilities systems including natural gas, hydrogen, electrical and telecommunications lines, fire protection, ambulance and law enforcement, workforce housing, streets, roads, curbs, gutters, sidewalks, pedestrian malls, alleys, bridges, and other transportation needs, including but not limited to parking, park and ride facilities and services, and bus, air, and rail service.*

(5) “Local government”, for the purposes of a targeted economic development district, means any incorporated city or town, a county, or a city-county consolidated local government.

(6) *“Secondary value-added products or commodities” means products or commodities that are manufactured, processed, produced, or created by changing the form of raw materials or intermediate products into more valuable products or commodities that are capable of being sold or traded in interstate commerce.*

(7) *“Secondary value-adding industry” means a business that produces secondary value-added products or commodities or a business or organization that is engaged in technology-based operations within the state that, through the employment of knowledge or labor, adds value to a product, process, or export service resulting in the creation of new wealth.*

(5)(8) *“Targeted economic development district” means a district created pursuant to 7-15-4277 through 7-15-4280.*

(6)(9) *“Tax increment” means the collections realized from extending the tax levies, expressed in mills, of all taxing bodies in which the urban renewal area or targeted economic development district or a part of the area or district is located against the incremental taxable value.*

(7)(10) *“Tax increment provision” means a provision for the segregation and application of tax increments as authorized by 7-15-4282 through 7-15-4294.*

(8)(11) *“Taxes” means all taxes levied by a taxing body against property on an ad valorem basis.*

(9)(12) *“Taxing body” means any incorporated city or town, county, city-county consolidated local government, school district, or other political subdivision or governmental unit of the state, including the state, that levies taxes against property within the urban renewal area or targeted economic development district.*

(13) *“Value-adding” means a project or a business that creates or increases economic opportunity in an area through investment in facilities, land, improvements, or equipment, including but not limited to manufacturing, technology, recreation, and tourism.”*

Section 3. Section 7-15-4286, MCA, is amended to read:

“7-15-4286. Procedure to determine and disburse tax increment – remittance of excess portion of tax increment for targeted economic development district. (1) Mill rates of taxing bodies for taxes levied after the effective date of the tax increment provision must be calculated on the basis of the sum of the taxable value, as shown by the last equalized assessment roll, of all taxable property located outside the urban renewal area or targeted economic development district and the base taxable value of all taxable property located within the area or district. The mill rate determined must be levied against the sum of the actual taxable value of all taxable property located within as well as outside the area or district.

(2) (a) Except as provided in subsections (2)(b), (2)(c), and (3), the tax increment, if any, received in each year from the levy of the combined mill rates of all the affected taxing bodies against the incremental taxable value within the area or district must be paid into a special fund held by the treasurer of the local government and used as provided in 7-15-4282 through 7-15-4294.

(b) ~~The~~ *For targeted economic development districts in existence prior to July 1, 2022, and urban renewal areas, the combined mill rates used to calculate the tax increment may not include mill rates for:*

(i) *the university system mills levied pursuant to 15-10-109 and 20-25-439; and*

(ii) *a new mill levy approved by voters as provided in 15-10-425 after the adoption of a tax increment provision.*

(c) *For targeted economic development districts created after June 30, 2022, the combined mill rates used to calculate the tax increment may not include mill rates for:*

(i) *the university system mills levied pursuant to 15-10-109 and 20-25-439; and*

(ii) *one-half of the elementary, high school, and state equalization mills levied pursuant to 20-9-331, 20-9-333, and 20-9-360;*

(iii) *a new mill levy approved by voters as provided in 15-10-425 after the adoption of a tax increment provision; and*

(iv) *any portion of an existing mill levy designated by the local government as excluded from the tax increment.*

(3) (a) Subject to 7-15-4287 and subsection (3)(b) of this section, a targeted economic development district with a tax increment provision adopted after October 1, 2019, may expend or accumulate tax increment for:

(i) the payment of the costs listed in 7-15-4288;

(ii) the cost of issuing bonds; or

(iii) any pledge to the payment of the principal of any premium, if any, and interest on the bonds issued pursuant to 7-15-4289 and sufficient to fund any reserve fund in respect of the bonds in an amount not to exceed 125% of the maximum principal and interest on the bonds in any year during the term of the bonds.

(b) Any excess tax increment remaining after the use or accumulation of funds as set forth in subsection (3)(a) must be:

(i) remitted to each taxing jurisdiction for which the mill rates are included in the calculation of the tax increment as provided in subsections (1) and (2); and

(ii) proportional to the taxing jurisdiction's share of the total mills levied.

(c) A targeted economic development district is not subject to the provisions of this subsection (3) if bonds have not been issued to finance the project.

(4) Any portion of the excess tax increment remitted to a school district pursuant to subsection (3) is subject to the provisions of 7-15-4291(2) through (5).

(5) The balance of the taxes collected in each year must be paid to each of the taxing bodies as otherwise provided by law."

Section 4. Section 7-15-4288, MCA, is amended to read:

"7-15-4288. Costs that may be paid by tax increment financing. The tax increments may be used by the local government to pay the following costs of or incurred in connection with an urban renewal area or targeted economic development district as identified in the urban renewal plan or targeted economic development district comprehensive development plan:

(1) land acquisition;

(2) demolition and removal of structures;

(3) relocation of occupants;

(4) the acquisition, construction, and improvement of public improvements or infrastructure, ~~including streets, roads, curbs, gutters, sidewalks, pedestrian malls, alleys, parking lots and offstreet parking facilities, sewers, sewer lines, sewage treatment facilities, storm sewers, waterlines, waterways, water treatment facilities, natural gas lines, electrical lines, telecommunications lines, rail lines, rail spurs, bridges,~~ publicly owned buildings, and any public improvements authorized by Title 7, chapter 12, parts 41 through 45; Title 7, chapter 13, parts 42 and 43; and Title 7, chapter 14, part 47, and items of personal property to be used in connection with improvements for which the foregoing costs may be incurred;

(5) costs incurred in connection with the redevelopment activities allowed under 7-15-4233;

(6) acquisition of infrastructure-deficient areas or portions of areas;

(7) administrative costs associated with the management of the urban renewal area or targeted economic development district;

(8) assemblage of land for development or redevelopment by private enterprise or public agencies, including sale, initial leasing, or retention by the local government itself at its fair value;

(9) the compilation and analysis of pertinent information required to adequately determine the needs of the urban renewal area or targeted economic development district;

(10) the connection of the urban renewal area or targeted economic development district to existing infrastructure outside the area or district;

(11) the provision of direct assistance to secondary value-adding industries to assist in meeting their infrastructure and land needs within the area or district; and

(12) the acquisition, construction, or improvement of facilities or equipment for reducing, preventing, abating, or eliminating pollution.”

Section 5. Section 7-15-4292, MCA, is amended to read:

“7-15-4292. Termination of tax increment financing – exception.

(1) The tax increment provision contained in an urban renewal plan or a targeted economic development district comprehensive development plan terminates upon the later of:

(a) the 15th year following its adoption; or

(b) the payment or provision for payment in full or discharge of all bonds for which the tax increment has been pledged and the interest on the bonds. *For targeted economic development districts created after June 30, 2022, the combined term of the original bonds or any refunding bonds may not extend the life of the tax increment provision longer than the 30th year following the original adoption of the tax increment provision.*

(2) (a) Except as provided in subsection (2)(b), any amounts remaining in the special fund or any reserve fund after termination of the tax increment provision must be distributed among the various taxing bodies in proportion to their property tax revenue from the area or district.

(b) Upon termination of the tax increment provision, a local government may retain and use in accordance with the provisions of the urban renewal plan:

(i) funds remaining in the special fund or a reserve fund related to a binding loan commitment, construction contract, or development agreement for an approved urban renewal project or targeted economic development district project that a local government entered into before the termination of a tax increment provision;

(ii) loan repayments received after the date of termination of the tax increment provision from loans made pursuant to a binding loan commitment; or

(iii) funds from loans previously made pursuant to a loan program established under an urban renewal plan or targeted economic development district comprehensive development plan.

(3) After termination of the tax increment provision, all taxes must be levied upon the actual taxable value of the taxable property in the urban renewal area or targeted economic development district and must be paid to each of the taxing bodies as provided by law.

(4) Bonds secured in whole or in part by a tax increment provision may not be issued after the 15th anniversary of tax increment provisions. However, if bonds secured by a tax increment provision are outstanding on the applicable anniversary, additional bonds secured by the tax increment provision may be issued if the final maturity date of the bonds is not later than the final maturity date of any bonds then outstanding and secured by the tax increment provision.”

Section 6. Saving clause. [This act] does not affect rights and duties that matured, penalties that were incurred, or proceedings that were begun before [the effective date of this act].

Section 7. Effective date. [This act] is effective on passage and approval.

Approved May 20, 2021

CHAPTER NO. 576

[HB 701]

AN ACT GENERALLY REVISING LAWS RELATED TO THE REGULATION AND TAXATION OF MARIJUANA; TRANSFERRING AUTHORITY OVER THE LICENSING, CULTIVATION, AND SALE OF MEDICAL MARIJUANA TO REGISTERED CARDHOLDERS TO THE DEPARTMENT OF REVENUE; CREATING SEPARATE LICENSE CATEGORIES FOR CULTIVATION, MANUFACTURING, DISPENSING, AND TRANSPORTING MARIJUANA; PROVIDING FOR EIGHT COMBINED-USE MARIJUANA LICENSES; CREATING A MARIJUANA WORKER PERMIT; PROVIDING FOR A LOCAL-OPTION MARIJUANA EXCISE TAX; REQUIRING LOCAL GOVERNMENT APPROVAL FOR A MARIJUANA BUSINESS TO OPERATE IN A LOCAL JURISDICTION; PROVIDING APPROPRIATIONS; PROVIDING RULEMAKING AUTHORITY; PROVIDING FOR EXPUNGEMENT OF CRIMINAL CONVICTIONS RELATED TO MARIJUANA; PROVIDING FOR CONTINGENT VOIDNESS; AMENDING SECTIONS 3-5-113, 3-5-115, 5-5-223, 5-5-227, 7-22-2101, 15-64-101, 15-64-102, 15-64-103, 15-64-104, 15-64-105, 15-64-106, 15-64-111, 15-64-112, 16-12-101, 16-12-102, 16-12-104, 16-12-105, 16-12-106, 16-12-107, 16-12-108, 16-12-109, 16-12-110, 16-12-111, 16-12-112, 16-12-113, 16-12-201, 16-12-202, 16-12-203, 16-12-204, 16-12-206, 16-12-207, 16-12-208, 16-12-209, 16-12-210, 16-12-211, 16-12-301, 16-12-302, 18-7-101, 37-1-136, 37-1-316, 37-3-203, 39-2-210, 39-2-313, 39-71-407, 41-5-216, 45-9-101, 45-9-102, 45-9-103, 45-9-110, 45-9-127, 45-9-203, 45-10-103, 45-10-107, 46-18-202, 50-46-302, 50-46-303, 50-46-307, 50-46-319, 50-46-345, 50-46-346, 50-46-347, 53-6-1201, 53-21-1207, 61-8-402, 61-8-404, 61-8-405, 61-8-409, 61-8-442, 61-11-101, AND 80-1-104, MCA; AMENDING SECTION 56, INITIATIVE MEASURE NO. 190, APPROVED NOVEMBER 3, 2020; REPEALING SECTIONS 16-12-205, 16-12-401, 16-12-402, 16-12-403, 16-12-404, 16-12-405, 16-12-406, 16-12-407, 16-12-408, 50-46-301, 50-46-302, 50-46-303, 50-46-304, 50-46-305, 50-46-307, 50-46-308, 50-46-309, 50-46-310, 50-46-311, 50-46-312, 50-46-317, 50-46-318, 50-46-319, 50-46-320, 50-46-326, 50-46-327, 50-46-328, 50-46-329, 50-46-330, 50-46-331, 50-46-332, 50-46-339, 50-46-340, 50-46-341, 50-46-342, 50-46-343, 50-46-344, 50-46-345, 50-46-346, AND 50-46-347, MCA; REPEALING SECTIONS 37 AND 52, INITIATIVE MEASURE NO. 190, APPROVED NOVEMBER 3, 2020; AND PROVIDING EFFECTIVE DATES AND TERMINATION DATES.

Be it enacted by the Legislature of the State of Montana:

Section 1. Hotline. (1) The department shall create and maintain a hotline to receive reports of suspected abuse of the provisions of this chapter.

(2) An individual making a complaint must be a resident and shall provide the individual's name, street address, and phone number.

(3) (a) The department shall provide a copy of the complaint to the person or licensee that is the subject of the complaint.

(b) The department may not redact the individual's name or city of residence from the complaint copy.

(4) The department may:

(a) investigate reports of suspected abuse of the provisions of this chapter; or

(b) refer reports of suspected abuse to the law enforcement agency having jurisdiction in the area where the suspected abuse is occurring.

Section 2. Department to conduct background checks. (1) In addition to any other requirement imposed under this chapter, before issuing any license under this chapter the department shall conduct:

(a) a fingerprint-based background check meeting the requirements for a fingerprint-based background check by the department of justice and the federal bureau of investigation in association with an application for initial licensure and every 5 years thereafter; and

(b) a name-based background check in association with an application for initial licensure and each year thereafter except years that an applicant is required to submit fingerprints for a fingerprint-based background check.

(2) For the purpose of the background records check required under subsection (1), the department shall obtain fingerprints from each individual listed on an application submitted under this chapter and each individual who has a controlling beneficial ownership or financial interest in the license or prospective license, including:

(a) each partner of an applicant that is a limited partnership;

(b) each member of an applicant that is a limited liability company;

(c) each director and officer of an applicant that is a corporation;

(d) each individual who holds a 5% financial interest in the license applicant or is a controlling beneficial owner of the person applying for the license; and

(e) each individual who is a partner, member, director, or officer of a legal entity that holds a 5% financial interest in the license applicant or is a controlling beneficial owner of the person applying for the license.

(3) (a) Except as provided in subsection (3)(b), an employee of a marijuana business shall undergo a criminal background check prior to beginning employment.

(b) An employee of a former medical marijuana licensee in good standing with the department as of [the effective date of this section] shall undergo a criminal background check within 90 days of [the effective date of this section].

(4) The department may establish procedures for obtaining fingerprints for the fingerprint-based and name-based background checks required under this section.

Section 3. Licensing of marijuana transporters. (1) (a) A marijuana transporter license may be issued to a person to provide logistics, distribution, delivery, and storage of marijuana and marijuana products. A marijuana transporter license is valid for 2 years. A licensed marijuana transporter is responsible for the marijuana and marijuana products once it takes control of the marijuana or marijuana product.

(b) A marijuana transporter may contract with multiple licensed marijuana businesses.

(c) On or after March 1, 2022, and except as otherwise provided in this section, all persons who transport marijuana or marijuana products shall hold a valid marijuana transporter license. The department shall begin accepting applications on or after January 1, 2022. The department may allow for a reasonable grace period for complying with this requirement.

(d) The department shall establish by rule the requirements for licensure, and the applicable fee for a marijuana transporter license or the renewal of a transporter license. The department may not license a person to be a marijuana transporter if the applicant meets any of the criteria established for denial of a license under 16-12-203(2).

(2) A person who is not licensed under this chapter must apply for and obtain a marijuana transporter license in order to transport marijuana or marijuana products.

(3) A registered cardholder or consumer is not required to possess a marijuana transporter license when purchasing marijuana or marijuana products at a dispensary.

(4) A person who obtains a cultivator license, manufacturer license, adult-use dispensary license, medical marijuana dispensary license, or testing laboratory license or is an employee of one of those licensees may:

(a) transport marijuana or marijuana products between other licensed premises without a transporter license so long as such transportation:

(i) complies with rules implementing the seed-to-sale tracking system set forth in 16-12-105; and

(ii) includes a printed manifest containing information as required by the department; and

(b) deliver marijuana from a dispensary to a registered cardholder provided that the person delivering the marijuana or marijuana products:

(i) complies with rules adopted by the department; and

(ii) includes a printed delivery manifest from a dispensary to a registered cardholder containing the registered cardholder's address and cardholder number and the dispensary's address and license number.

(5) (a) A marijuana transporter licensee may maintain a licensed premises to temporarily store marijuana and marijuana products and to use as a centralized distribution point in a jurisdiction where the local government approval provisions contained in 16-12-301 have been satisfied or in a county in which the majority of voters voted to approve Initiative Measure No. 190 in the November 3, 2020, general election.

(b) The licensed premises must be located in a jurisdiction that permits the operation of a marijuana business and comply with rules adopted by the department.

(c) A marijuana transporter may store and distribute marijuana and marijuana products from this location. A storage facility must meet the same security requirements that are required to obtain a license under this chapter.

(6) A marijuana transporter shall use the seed-to-sale tracking system developed pursuant to 16-12-105 to create shipping manifests documenting the transport of retail marijuana and retail marijuana products throughout the state.

(7) A marijuana transporter may deliver marijuana or marijuana products to licensed premises or registered cardholders only and may not make deliveries of marijuana or marijuana products to individual consumers.

(8) A person delivering marijuana or marijuana products for a marijuana transporter must possess a valid marijuana worker permit provided for under [section 7] and be a current employee of the marijuana transporter licensee.

Section 4. Licensing of cultivators. (1) (a) The department shall license cultivators according to a tiered canopy system. Except as provided in subsection (6), all cultivation that is licensed under this chapter may only occur at an indoor cultivation facility.

(b) Except as provided in subsection (6), the system shall include, at a minimum, the following license types:

(i) A micro tier canopy license allows for a canopy of up to 250 square feet at one indoor cultivation facility.

(ii) A tier 1 canopy license allows for a canopy of up to 1,000 square feet at one indoor cultivation facility.

(iii) A tier 2 canopy license allows for a canopy of up to 2,500 square feet at up to two indoor cultivation facilities.

(iv) A tier 3 canopy license allows for a canopy of up to 5,000 square feet at up to three indoor cultivation facilities.

(v) A tier 4 canopy license allows for a canopy of up to 7,500 square feet at up to four indoor cultivation facilities.

(vi) A tier 5 canopy license allows for a canopy of up to 10,000 square feet at up to five indoor cultivation facilities.

(vii) A tier 6 canopy license allows for a canopy of up to 13,000 square feet at up to five indoor cultivation facilities.

(viii) A tier 7 canopy license allows for a canopy of up to 15,000 square feet at up to five indoor cultivation facilities.

(ix) A tier 8 canopy license allows for a canopy of up to 17,500 square feet at up to five indoor cultivation facilities.

(x) A tier 9 canopy license allows for a canopy of up to 20,000 square feet at up to six indoor cultivation facilities.

(xi) A tier 10 canopy license allows for a canopy of up to 30,000 square feet at up to seven indoor cultivation facilities.

(xii) A tier 11 canopy license allows for a canopy of up to 40,000 square feet at up to eight indoor cultivation facilities.

(xiv) A tier 12 canopy license allows for a canopy of up to 50,000 square feet at up to nine indoor cultivation facilities.

(c) A cultivator shall demonstrate that the local government approval provisions in 16-12-301 have been satisfied for the jurisdiction where each proposed indoor cultivation facility or facilities is or will be located if a proposed facility would be located in a county in which the majority of voters voted against approval of Initiative Measure No. 190 in the November 3, 2020, general election.

(d) When evaluating an initial or renewal license application, the department shall evaluate each proposed indoor cultivation facility for compliance with the provisions of 16-12-207 and 16-12-210.

(e) (i) Except as provided in subsection (1)(e)(iii), a cultivator who has reached capacity under the existing license may apply to advance to the next licensing tier in conjunction with a regular renewal application by demonstrating that:

(A) the cultivator is using the full amount of canopy currently authorized;

(B) the tracking system shows the cultivator is selling at least 80% of the marijuana produced by the square footage of the cultivator's existing license over the 2 previous quarters or the cultivator can otherwise demonstrate to the department that there is a market for the marijuana it seeks to produce; and

(C) its proposed additional or expanded indoor cultivation facility or facilities are located in a jurisdiction where the local government approval provisions contained in 16-12-301 have been satisfied or that they are located in a county in which the majority of voters voted to approve Initiative Measure No. 190 in the November 3, 2020, general election.

(ii) Except as provided in subsection (1)(e)(iii), the department may increase a licensure level by only one tier at a time.

(iii) Between January 1, 2022, and June 30, 2023, a cultivator may increase its licensure level by more than one tier at a time, up to a tier 5 canopy license, without meeting the requirements of subsection (1)(e)(i)(A) and (1)(e)(i)(B).

(iv) The department shall conduct an inspection of the cultivator's registered premises and proposed premises within 30 days of receiving the application and before approving the application.

(f) A marijuana business that has not been issued a license before July 1, 2023, must be initially licensed at a tier 2 canopy license or lower.

(2) The department is authorized to create additional tiers as necessary.

(3) The department may adopt rules:

(a) for inspection of proposed indoor cultivation facilities under subsection (1); and

(b) for investigating owners or applicants for a determination of financial interest; and

(c) in consultation with the department of agriculture and based on well-supported science, to require licensees to adopt practices consistent with the prevention, introduction, and spread of insects, diseases, and other plant pests into Montana.

(4) Initial licensure and annual fees for these licensees are:

(a) \$1,000 for a cultivator with a micro tier canopy license;

(b) \$2,500 for a cultivator with a tier 1 canopy license;

(c) \$5,000 for a cultivator with a tier 2 canopy license;

(d) \$7,500 for a cultivator with a tier 3 canopy license;

(e) \$10,000 for a cultivator with a tier 4 canopy license;

(f) \$13,000 for a cultivator with a tier 5 canopy license;

(g) \$15,000 for a cultivator with a tier 6 canopy license;

(h) \$17,500 for a cultivator with a tier 7 canopy license;

(i) \$20,000 for a cultivator with a tier 8 canopy license;

(j) \$23,000 for a cultivator with a tier 9 canopy license;

(k) \$27,000 for a cultivator with a tier 10 canopy license;

(l) \$32,000 for a cultivator with a tier 11 canopy license; and

(m) \$37,000 for a cultivator with a tier 12 canopy license.

(5) The fee required under this part may be imposed based only on the tier of licensure and may not be applied separately to each indoor cultivation facility used for cultivation under the licensure level.

(6) A former medical marijuana licensee who engaged in outdoor cultivation before November 3, 2020, may continue to engage in outdoor cultivation.

Section 5. Licensing of dispensaries. (1) Except as provided in 16-12-201(2), an applicant for a dispensary license shall demonstrate that the local government approval provisions in 16-12-301 have been satisfied in the jurisdiction where each proposed dispensary is located if the proposed dispensary would be located in a county in which the majority of voters voted against approval of Initiative Measure No. 190 in the November 3, 2020, general election.

(2) When evaluating an initial or renewal application, the department shall evaluate each proposed dispensary for compliance with the provisions of 16-12-207 and 16-12-210.

(3) An adult-use dispensary licensee may operate at a shared location with a medical marijuana dispensary if the adult-use dispensary and medical marijuana dispensary are owned by the same person.

(4) A medical marijuana dispensary is authorized to sell exclusively to registered cardholders marijuana, marijuana products, and live marijuana plants.

(5) An adult-use dispensary is authorized to sell marijuana, marijuana products, and live marijuana plants to consumers or registered cardholders.

(6) The department shall charge a dispensary license fee for an initial application and at each renewal. The dispensary license fee is \$5,000 for each location that a licensee operates as an adult-use dispensary or a medical marijuana dispensary.

(7) The department may adopt rules:

(a) for inspection of proposed dispensaries;

(b) for investigating owners or applicants for a determination of financial interest; and

(c) establishing or limiting the THC content of the marijuana or marijuana products that may be sold at an adult-use dispensary or medical marijuana dispensary.

(8) (a) Marijuana and marijuana products sold at a dispensary are regulated and sold on the basis of the concentration of THC in the products and not by weight.

(b) Except as provided in subsection (8)(c), for purposes of this chapter, a single package is limited to:

(i) for marijuana sold as flower, 1 ounce of usable marijuana. The total potential psychoactive THC of marijuana flower may not exceed 35%.

(ii) for a marijuana product sold as a capsule, no more than 100 milligrams of THC per capsule and no more than 800 milligrams of THC per package.

(iii) for a marijuana product sold as a tincture, no more than 800 milligrams of THC;

(iv) for a marijuana product sold as an edible or a food product, no more than 100 milligrams of THC. A single serving of an edible marijuana product may not exceed 10 milligrams of THC.

(v) for a marijuana product sold as a topical product, a concentration of no more than 6% THC and no more than 800 milligrams of THC per package;

(vi) for a marijuana product sold as a suppository or transdermal patch, no more than 100 milligrams of THC per suppository or transdermal patch and no more than 800 milligrams of THC per package; and

(vii) for any other marijuana product, no more than 800 milligrams of THC.

(c) A dispensary may sell marijuana or marijuana products having higher THC potency levels than described in subsection (8) to registered cardholders.

(9) A licensee or employee is prohibited from conducting a transaction that would result in a consumer or registered cardholder exceeding the personal possession amounts set forth in 16-12-106 and [section 16].

Section 6. Combined-use marijuana licensing – requirements.

(1) The department may issue a total of eight combined-use marijuana licenses to entities that are:

(a) a federally recognized tribe located in the state; or

(b) a business entity that is majority-owned by a federally recognized tribe located in the state.

(2) A combined-use marijuana license consists of one tier 1 canopy license and one dispensary license allowing for the operation of a dispensary. Cultivation and dispensary facilities must be located at the same licensed premises.

(3) A combined-use marijuana licensee shall operate its cultivation and dispensary facilities on land that is located:

(a) within 150 air-miles of the exterior boundary of the associated tribal reservation or, for the Little Shell Chippewa tribe only, within 150 air-miles of the tribal service area; and

(b) in a county that has satisfied the local government approval provisions in 16-12-301 if the majority of voters in the county voted against approval of Initiative Measure No. 190 in the November 3, 2020, general election.

(4) An applicant under this section must satisfy all licensing requirements under this chapter and is subject to all fees and taxes associated with the cultivation and sale of marijuana or marijuana products provided for in this chapter.

(5) A license granted under this section must be operated in compliance with all requirements imposed under this chapter.

(6) After a tribe or a majority-owned business of that tribe is licensed under this section, that tribe or another majority-owned business of that tribe may not obtain another combined-use license until the prior license is relinquished, lapses, or is revoked by the department.

Section 7. Marijuana worker permit – requirements. (1) A marijuana worker permit is required for an employee who performs work for or on behalf of a marijuana business if the individual participates in any aspect of the marijuana business.

(2) (a) Except as provided in subsection (2)(b), a marijuana business may not allow an employee to perform any work at the licensed premises until it has verified that that the employee has obtained a valid marijuana worker permit issued in accordance with this chapter.

(b) An employee of a former medical marijuana licensee in good standing with the department as of [the effective date of this section] shall obtain a marijuana worker permit within 90 days of [the effective date of this section].

(3) An applicant for a marijuana worker permit shall submit:

(a) an application on a form prescribed by the department with information including the applicant's:

- (i) name;
 - (ii) mailing address;
 - (iii) date of birth;
 - (iv) signature; and
 - (v) response to conviction history questions requested by the department;
- (b) a copy of a driver's license or identification card issued by one of the fifty states in the United States or a passport;

(c) annual proof of having passed training that includes identification, prevention, and reporting for human trafficking, rules and regulations for legal sales of marijuana in Montana, and any other training required by the department; and

(d) a fee established by the department.

(4) (a) Except as provided in subsection (4)(b), an application that does not contain the elements set forth in subsection (3) is incomplete.

(b) The department may review an application prior to receiving the fee but may not issue a permit until the fee is received.

(5) The department shall deny an initial or renewal application if the applicant:

(a) is not 18 years of age or older;

(b) has had a marijuana license or worker permit revoked for a violation of this chapter or any rule adopted under this chapter within 2 years of the date of the application;

(c) has violated any provision of this chapter; or

(d) makes a false statement to the department.

(6) An employee of a licensee shall carry the employee's worker permit at all times when performing work on behalf of a marijuana business.

(7) A person who holds a marijuana worker permit must notify the department in writing within 10 days of:

(a) a conviction for a felony;

(b) the issuance of any citation for violating a marijuana law imposed under this chapter or the marijuana laws of any other state; or

(c) the issuance of any citation for selling or dispensing alcohol or tobacco products to a minor.

Section 8. Unlawful possession of marijuana, marijuana products, or marijuana paraphernalia in motor vehicle on highway. (1) Except as provided in subsection (2), a person commits the offense of unlawful possession of marijuana, marijuana products, or marijuana paraphernalia in a motor vehicle if the person knowingly possesses marijuana, marijuana products, or marijuana paraphernalia, as those terms are defined in 16-12-102, within the passenger area of a motor vehicle on a highway.

(2) This section does not apply to marijuana, marijuana products, or marijuana paraphernalia:

(a) purchased from a dispensary and that remains in its unopened, original packaging;

(b) in a locked glove compartment or storage compartment;

(c) in a motor vehicle trunk or luggage compartment or in a truck bed or cargo compartment;

(d) behind the last upright seat of a motor vehicle that is not equipped with a trunk; or

(e) in a closed container in the area of a motor vehicle that is not equipped with a trunk and that is not normally occupied by the driver or a passenger.

(3) (a) A person convicted of the offense of unlawful possession of marijuana, marijuana products, or marijuana paraphernalia in a motor vehicle shall be fined an amount not to exceed \$100.

(b) A violation of this section is not a criminal offense within the meaning of 3-1-317, 3-1-318, 45-2-101, 46-18-236, 61-8-104, or 61-8-711 and may not be recorded or charged against a driver's record, and an insurance company may not hold a violation of this section against the insured or increase premiums because of the violation. The surcharges provided for in 3-1-317, 3-1-318, and 46-18-236 may not be imposed for a violation of this section.

Section 9. Purpose. The purpose of [sections 9 through 23] is to:

(1) provide a regulatory system for providing marijuana for the use of individuals with debilitating medical conditions, including posttraumatic stress disorder, in order to alleviate the symptoms of the debilitating medical condition;

(2) allow for the limited cultivation, manufacture, delivery, and possession of marijuana as permitted by this chapter;

(3) allow persons to assist registered cardholders with the cultivation of marijuana and manufacture of marijuana products permitted by this chapter.

(4) provide for a registry of individuals with debilitating medical conditions entitled to purchase marijuana and marijuana products at the tax rate specified in 15-64-102; and

(5) provide the process for obtaining a registry identification card.

Section 10. Definitions. As used in [sections 9 through 23], the following definitions apply:

(1) "Referral physician" means an individual who:

(a) is licensed under Title 37, chapter 3; and

(b) is the physician to whom a patient's treating physician has referred the patient for physical examination and medical assessment.

(2) "Standard of care" means, at a minimum, the following activities when undertaken in person or through the use of telemedicine by a patient's treating physician or referral physician if the treating physician or referral physician

is providing written certification for a patient with a debilitating medical condition:

- (a) obtaining the patient's medical history;
- (b) performing a relevant and necessary physical examination;
- (c) reviewing prior treatment and treatment response for the debilitating medical condition;
- (d) obtaining and reviewing any relevant and necessary diagnostic test results related to the debilitating medical condition;
- (e) discussing with the patient and ensuring that the patient understands the advantages, disadvantages, alternatives, potential adverse effects, and expected response to the recommended treatment;
- (f) monitoring the response to treatment and possible adverse effects; and
- (g) creating and maintaining patient records that remain with the physician.

(3) "Telemedicine" has the meaning provided in 37-3-102.

(4) "Treating physician" means an individual who:

- (a) is licensed under Title 37, chapter 3; and
- (b) has a bona fide professional relationship with the individual applying to be a registered cardholder.

(5) "Written certification" means a statement signed by a treating physician or referral physician that meets the requirements of [section 13] and is provided in a manner that meets the standard of care.

Section 11. Medical marijuana registry – department responsibilities – issuance of cards – confidentiality. (1) The department shall establish and maintain a registry of persons who receive registry identification cards under [sections 9 through 23].

(2) The department shall issue registry identification cards to Montana residents who have debilitating medical conditions and who submit applications meeting the requirements of [sections 9 through 23].

(3) (a) Registry identification cards issued pursuant to [sections 9 through 23] must:

- (i) be laminated and produced on a material capable of lasting for the duration of the time period for which the card is valid;
- (ii) state the name, address, and date of birth of the registered cardholder;
- (iii) indicate whether the cardholder is obtaining marijuana and marijuana products through the system of licensed cultivators, manufacturers, or dispensaries;
- (iv) state the date of issuance and the expiration date of the registry identification card;
- (v) contain a unique identification number; and
- (vi) contain other information that the department may specify by rule.

(b) Except as provided in subsection (3)(c), in addition to complying with subsection (3)(a), registry identification cards issued pursuant to this part must:

- (i) include a picture of the registered cardholder; and
 - (ii) be capable of being used to track registered cardholder purchases.
- (c) (i) The department shall issue a temporary registry identification card on receipt of an application. The cards are valid for 60 days and are exempt from the requirements of subsection (3)(b). Printing of the temporary registry identification cards is exempt from the provisions of Title 18, chapter 7.

(ii) A card may be issued before an applicant's payment of the fee has cleared. The department shall cancel the temporary registry identification card after 60 days and may not issue a permanent registry identification card until the fee is paid.

(4) (a) The department shall review the information contained in an application or renewal submitted pursuant to this part and shall approve or deny an application or renewal within 30 days of receiving the application or renewal and all related application materials.

(b) If the department fails to act on a completed application within 30 days of receipt, the department shall refund the fee paid by an applicant for a registry identification card.

(c) Applications that are not processed within 30 days of receipt remain active until the department takes final action.

(d) The department shall issue a registry identification card within 5 days of approving an application or renewal.

(5) Review of a rejection of an application or renewal may be conducted as a contested case hearing pursuant to the provisions of the Montana Administrative Procedure Act.

(6) Registry identification cards expire 1 year after the date of issuance unless a physician has provided a written certification stating that a card is valid for a shorter period of time.

(7) (a) A registered cardholder shall notify the department of any change in the cardholder's name, address, or physician, or a change in the status of the cardholder's debilitating medical condition within 10 days of the change.

(b) If a change occurs and is not reported to the department, the registry identification card is void.

(8) The department shall maintain a confidential list of individuals to whom the department has issued registry identification cards. Individual names and other identifying information on the list must be confidential and is not subject to disclosure, except to:

(a) authorized employees of the department as necessary to perform the official duties of the department;

(b) authorized employees of state or local government agencies, including law enforcement agencies, only as necessary to verify that an individual is a lawful possessor of a registry identification card;

(c) a judge, magistrate, or other authorized judicial officer in response to an order requiring disclosure; and

(d) another person or entity when the information pertains to a cardholder who has given written consent to the release and has specified:

(i) the type of information to be released; and

(ii) the person or entity to whom it may be released.

Section 12. Individuals with debilitating medical conditions – requirements – minors – limitations. (1) Except as provided in subsections (2) through (5), the department shall issue a registry identification card to an individual with a debilitating medical condition who submits the following, in accordance with department rules:

(a) an application on a form prescribed by the department;

(b) an application fee or a renewal fee;

(c) the individual's name, street address, and date of birth;

(d) proof of Montana residency;

(e) a statement, on a form prescribed by the department, that the individual will not divert to any other individual the marijuana or marijuana products that the individual cultivates, manufactures, or obtains through the system of licensed providers for the individual's debilitating medical condition;

(f) the name of the individual's treating physician or referral physician and the street address and telephone number of the physician's office;

(g) the street address where the individual is cultivating marijuana or manufacturing marijuana products if the individual is cultivating marijuana or manufacturing marijuana products for the individual's own use; and

(h) the written certification and accompanying statements from the individual's treating physician or referral physician as required pursuant to [section 13].

(2) The department shall issue a registry identification card to a minor if the materials required under subsection (1) are submitted and the minor's custodial parent or legal guardian with responsibility for health care decisions:

(a) provides proof of legal guardianship and responsibility for health care decisions if the individual is submitting an application as the minor's legal guardian with responsibility for health care decisions; and

(b) signs and submits a written statement that:

(i) the minor's treating physician or referral physician has explained to the minor and to the minor's custodial parent or legal guardian with responsibility for health care decisions the potential risks and benefits of the use of marijuana;

(ii) indicates whether the minor's custodial parent or legal guardian will be obtaining marijuana or marijuana products for the minor through the system of licensed dispensaries provided for in this chapter; and

(iii) the minor's custodial parent or legal guardian with responsibility for health care decisions:

(A) consents to the use of marijuana by the minor;

(B) agrees to control the acquisition of marijuana and the dosage and frequency of the use of marijuana by the minor; and

(C) agrees that the minor will use only marijuana products and will not smoke marijuana;

(c) if the parent or guardian will be serving as the minor's cultivator, undergoes background checks in accordance with subsection (3). The parent or legal guardian shall pay the costs of the background check and may not obtain a license under this chapter if the parent or legal guardian does not meet the requirements set forth in this chapter.

(d) pledges, on a form prescribed by the department, not to divert to any individual any marijuana purchased for the minor's use in a marijuana product.

(3) A parent serving as a minor's cultivator shall submit fingerprints to facilitate a fingerprint and background check by the department of justice and federal bureau of investigation upon the minor's initial application for a registry identification card and every 5 years after that. The department shall conduct a name-based background check in years when a fingerprint background check is not required.

(4) An application for a registry identification card for a minor must be accompanied by the written certification and accompanying statements required pursuant to [section 13] from a second physician in addition to the minor's treating physician or referral physician, unless the minor's treating physician or referral physician is an oncologist, neurologist, or epileptologist.

(5) An individual may not be a registered cardholder if the individual is in the custody of or under the supervision of the department of corrections or a youth court.

Section 13. Written certification – accompanying statements.

(1) The written certification provided by a physician must be made on a form prescribed by the department and signed and dated by the physician. The written certification must:

(a) include the physician's name, license number, and office address and telephone number on file with the board of medical examiners and the physician's business e-mail address, if any; and

(b) the name, date of birth, and debilitating medical condition of the patient for whom the physician is providing written certification.

(2) A treating physician or referral physician who is providing written certification for a patient shall provide a statement initialed by the physician that must:

(a) confirm that the physician is:

(i) the patient's treating physician and that the patient has been under the physician's ongoing medical care as part of a bona fide professional relationship with the patient; or

(ii) the patient's referral physician;

(b) confirm that the patient suffers from a debilitating medical condition;

(c) describe the debilitating medical condition, why the condition is debilitating, and the extent to which it is debilitating;

(d) confirm that the physician has assumed primary responsibility for providing management and routine care of the patient's debilitating medical condition after obtaining a comprehensive medical history and conducting a physical examination, whether in person or, in accordance with subsection (4), through the use of telemedicine, that included a personal review of any medical records maintained by other physicians and that may have included the patient's reaction and response to conventional medical therapies;

(e) describe the medications, procedures, and other medical options used to treat the condition;

(f) confirm that the physician has reviewed all prescription and nonprescription medications and supplements used by the patient and has considered the potential drug interaction with marijuana;

(g) state that the physician has a reasonable degree of certainty that the patient's debilitating medical condition would be alleviated by the use of marijuana and that, as a result, the patient would be likely to benefit from the use of marijuana;

(h) confirm that the physician has explained the potential risks and benefits of the use of marijuana to the patient;

(i) list restrictions on the patient's activities due to the use of marijuana;

(j) specify the time period for which the use of marijuana would be appropriate, up to a maximum of 1 year;

(k) state that the physician will:

(i) continue to serve as the patient's treating physician or referral physician; and

(ii) monitor the patient's response to the use of marijuana and evaluate the efficacy of the treatment; and

(l) contain an attestation that the information provided in the written certification and accompanying statements is true and correct.

(3) A physician who is the second physician recommending marijuana for use by a minor shall submit:

(a) a statement initialed by the physician that the physician conducted a comprehensive review of the minor's medical records as maintained by the treating physician or referral physician;

(b) a statement that in the physician's professional opinion, the potential benefits of the use of marijuana would likely outweigh the health risks for the minor; and

(c) an attestation that the information provided in the written certification and accompanying statements is true and correct.

(4) A physician who is providing written certification through the use of telemedicine:

(a) shall comply with the administrative rules adopted for telemedicine by the board of medical examiners provided for in 2-15-1731; and

(b) may not use an audio-only visit unless the physician has first established a physician-patient relationship through an in-person encounter.

(5) If the written certification states that marijuana should be used for less than 1 year, the department shall issue a registry identification card that is valid for the period specified in the written certification.

Section 14. Registry identification card to be exhibited on demand – photo identification required. (1) A registered cardholder shall keep the individual's registry identification card in the individual's immediate possession at all times. The registry identification card and a valid photo identification must be displayed upon demand of a law enforcement officer, justice of the peace, or city or municipal judge.

(2) The department shall ensure that law enforcement officers have access to accurate and up-to-date information on persons registered under [sections 9 through 23].

(3) Beginning on January 1, 2022, a registered cardholder may request, at their next annual renewal, that the department include on his or her registry identification card the name of up to two individuals who are authorized to acquire and deliver marijuana or marijuana products to the cardholder from a licensed dispensary. Any individual so identified must be at least 21 years of age, possess the registry identification card at all relevant times, and otherwise comply with the daily possession limits set forth in this chapter and rules adopted by the department.

Section 15. Health care facility procedures for patients with marijuana for use. (1) (a) A health care facility as defined in 50-5-101 shall take the following measures when a patient who is a registered cardholder has marijuana in the patient's possession upon admission to the health care facility:

(i) require the patient to remove the marijuana from the premises before the patient is admitted if the patient is able to do so; or

(ii) make a reasonable effort to contact the patient's cultivator, manufacturer, or medical marijuana dispensary, court-appointed guardian, or individual with a power of attorney, if any.

(b) If a patient is unable to remove the marijuana or the health care facility is unable to contact an individual as provided in subsection (1)(a), the facility shall contact the local law enforcement agency having jurisdiction in the area where the facility is located.

(2) A cultivator, manufacturer, or medical marijuana dispensary, court-appointed guardian, or individual with a power of attorney, if any, contacted by a health care facility shall remove the marijuana and deliver it to the patient's residence.

(3) A law enforcement agency contacted by a health care facility shall respond by removing and destroying the marijuana.

(4) A health care facility may not be charged for costs related to removal of the marijuana from the facility's premises.

Section 16. Legal protections – allowable amounts. (1) (a) A registered cardholder who has elected to obtain marijuana and marijuana products through the system of licensed cultivators, manufacturers, or dispensaries may:

(i) possess up to 1 ounce of usable marijuana; and

(ii) purchase a maximum of 5 ounces of usable marijuana a month and no more than 1 ounce of usable marijuana a day.

(b) (i) A registered cardholder may petition the department for an exception to the monthly limit on purchases. The request must be accompanied by a confirmation from the physician who signed the cardholder's written certification that the cardholder's debilitating medical condition warrants purchase of an amount exceeding the monthly limit.

(ii) If the department approves an exception to the limit, the approval must establish the monthly amount of usable marijuana that the cardholder may purchase and the limit must be entered into the seed-to-sale tracking system.

(2) Except as provided in 16-12-108 and subject to the provisions of subsection (7) of this section, an individual who possesses a registry identification card issued pursuant to [sections 9 through 23] may not be arrested, prosecuted, or penalized in any manner or be denied any right or privilege, including but not limited to civil penalty or disciplinary action by a professional licensing board or the department of labor and industry, solely because:

(a) the person cultivates, manufactures, possesses, or transports marijuana in the amounts allowed under this section; or

(b) the registered cardholder acquires or uses marijuana.

(3) A physician may not be arrested, prosecuted, or penalized in any manner or be denied any right or privilege, including but not limited to civil penalty or disciplinary action by the board of medical examiners or the department of labor and industry, solely for providing written certification for a patient with a debilitating medical condition.

(4) Nothing in this section prevents the imposition of a civil penalty or a disciplinary action by a professional licensing board or the department of labor and industry if:

(a) a registered cardholder's use of marijuana impairs the cardholder's job-related performance; or

(b) a physician violates the standard of care or other requirements of [sections 9 through 23].

(5) (a) An individual may not be arrested or prosecuted for constructive possession, conspiracy as provided in 45-4-102, or other provisions of law or any other offense solely for being in the presence or vicinity of the use of marijuana and marijuana products as permitted under [sections 9 through 23].

(b) This subsection (5) does not prevent the arrest or prosecution of an individual who is in the vicinity of a registered cardholder's use of marijuana if the individual is in possession of or is using marijuana in excess of the amounts otherwise provided in this chapter and is not a registered cardholder.

(6) Possession of or application for a registry identification card does not alone constitute probable cause to search the person or individual or the property of the person or individual or otherwise subject the person or individual or property of the person or individual possessing or applying for the card to inspection by any governmental agency, including a law enforcement agency.

(7) The provisions of this section relating to protection from arrest or prosecution do not apply to an individual unless the individual has obtained a registry identification card prior to an arrest or the filing of a criminal charge. It is not a defense to a criminal charge that an individual obtains a registry identification card after an arrest or the filing of a criminal charge.

(8) (a) A registered cardholder is presumed to be engaged in the use of marijuana as allowed by [sections 9 through 23] if the person:

(i) is in possession of a valid registry identification card; and

(ii) is in possession of an amount of marijuana that does not exceed the amount permitted under [sections 9 through 23].

(b) The presumption may be rebutted by evidence that the possession of marijuana was not for the purpose of alleviating the symptoms or effects of a registered cardholder's debilitating medical condition and exceeded the allowable amount of marijuana otherwise provided for in [sections 9 through 23].

Section 17. Prohibitions on physician affiliation with licensees – sanctions. (1) (a) A physician who provides written certifications may not:

(i) accept or solicit anything of value, including monetary remuneration, from a person licensed under this chapter;

(ii) offer a discount or any other thing of value to a patient who uses or agrees to use a person licensed under this chapter; or

(iii) examine a patient for the purposes of diagnosing a debilitating medical condition at a licensed premises or a testing laboratory.

(b) Subsection (1)(a) does not prevent a physician from accepting a fee for providing medical care to a person licensed under this chapter if the physician charges the individual the same fee that the physician charges other patients for providing a similar level of medical care.

(2) A person licensed under this chapter may not:

(a) arrange for a physician to conduct a physical examination or review of medical records required under [sections 9 through 23], either in the physician's office or at another location; or

(b) pay all or a portion of the costs for an individual to be seen by a physician for the purposes of obtaining a written certification.

(3) If the department has cause to believe that a physician has violated this section, has violated a provision of rules adopted pursuant to [sections 9 through 23], or has not met the standard of care required under [sections 9 through 23], the department may refer the matter to the board of medical examiners provided for in 2-15-1731 for review pursuant to 37-1-308.

(4) A violation of this section constitutes unprofessional conduct under 37-1-316. If the board of medical examiners finds that a physician has violated this section, the board shall restrict the physician's authority to provide written certification for the use of marijuana. The board of medical examiners shall notify the department of the sanction.

(5) If the board of medical examiners believes a physician's practices may harm the public health, safety, or welfare, the board may summarily restrict a physician's authority to provide written certification for the use of marijuana for a debilitating medical condition.

(6) (a) If the department has reason to believe a person licensed under this chapter has violated this section, the department shall refer the matter to the law enforcement entity and county attorney having jurisdiction where the person licensed under this chapter is doing business.

(b) If a person licensed under this chapter is found to have violated the provisions of this section, the department shall revoke the person's license. A person whose license has been revoked for a violation of this section is prohibited from reapplying for licensure under this chapter.

(7) (a) A law enforcement entity or county attorney who investigates a suspected violation of this section shall report the results of the investigation to the department.

(b) The department may receive the results of this investigation even if the information constitutes confidential criminal justice information as defined in 44-5-103.

Section 18. Unlawful conduct by cardholders – penalties. (1) The department shall revoke and may not reissue the registry identification card of an individual who:

- (a) is convicted of a drug offense; or
- (b) allows another individual to be in possession of the individual's:
 - (i) registry identification card, except as provided for in [section 14]; or
 - (ii) mature marijuana plants, seedlings, usable marijuana, or marijuana products.

(2) If no other penalty is specified under [sections 9 through 23], a registered cardholder who violates [sections 9 through 23] is punishable by a fine not to exceed \$500 or by imprisonment in a county jail for a term not to exceed 6 months, or both, unless otherwise provided in [sections 9 through 23] or unless the violation would constitute a violation of Title 45. An offense constituting a violation of Title 45 must be charged and prosecuted pursuant to the provisions of Title 45.

(3) Review of a department action imposing a fine, suspension, or revocation under this section must be conducted as a contested case hearing under the provisions of the Montana Administrative Procedure Act.

Section 19. Fraudulent representation – penalties. (1) In addition to any other penalties provided by law, an individual who fraudulently represents to a law enforcement official that the individual is a registered cardholder is guilty of a misdemeanor punishable by imprisonment in a county jail for a term not to exceed 1 year or a fine not to exceed \$1,000, or both.

(2) A physician who purposely and knowingly misrepresents any information required under [section 13] is guilty of a misdemeanor punishable by imprisonment in a county jail for a term not to exceed 1 year or a fine not to exceed \$1,000, or both.

Section 20. Confidentiality of registry information – penalty.

(1) Except as provided in 37-3-203, a person, including an employee or official of the department, commits the offense of disclosure of confidential information related to registry information if the person knowingly or purposely discloses confidential information in violation of [sections 9 through 23].

(2) A person convicted of a violation of this section shall be fined not to exceed \$1,000 or imprisoned in the county jail for a term not to exceed 6 months, or both.

Section 21. Law enforcement authority. Nothing in this chapter may be construed to limit a law enforcement agency's ability to investigate unlawful activity in relation to an individual with a registry identification card.

Section 22. Legislative monitoring. (1) The economic affairs interim committee shall provide oversight of the department's activities pursuant to [sections 9 through 23], including but not limited to monitoring of:

- (a) the number of registered cardholders; and
- (b) the number and type of violations committed by registered cardholders, together with the penalties imposed upon registered cardholders by the department.

(2) The committee shall identify issues likely to require future legislative attention and develop legislation to present to the next regular session of the legislature.

(3) (a) The department shall periodically report to the economic affairs interim committee and submit a report to the legislative clearinghouse, as provided in 5-11-210, on persons who are registered pursuant to [sections 9 through 23]. The report must include:

- (i) the number of applications for registry identification cards and the number of registered cardholders approved;

- (ii) the nature of the debilitating medical conditions of the cardholders;
- (iii) the number of registry identification cards and licenses revoked; and
- (iv) the number of physicians providing written certification for registered cardholders and the number of written certifications each physician has provided.

(b) The report may not provide any identifying information of cardholders or physicians.

(4) The board of medical examiners shall report annually to the economic affairs interim committee on the number and types of complaints the board has received involving physician practices in providing written certification for the use of marijuana, pursuant to 37-3-203.

(5) The reports provided for in subsections (3) and (4) must also be provided to the revenue interim committee provided for in 5-5-227.

Section 23. Rulemaking authority -- fees. The department may adopt rules to implement [sections 9 through 23] as authorized in this section to specify:

(1) the manner in which the department will consider applications for registry identification cards for individuals with debilitating medical conditions and renewal of registry identification cards;

(2) the acceptable forms of proof of Montana residency;

(3) notice and contested case hearing procedures for fines or registry identification card revocation, suspension, or modification;

(4) the procedures for obtaining fingerprints for the fingerprint and background check required under [section 12];

(5) the amount of usable marijuana that a registered cardholder who has elected not to use the system of licensees provided for under this chapter may possess; and

(6) the fees for cardholders. The annual cardholder license fee may not be less than \$20.

Section 24. Section 5-5-223, MCA, is amended to read:

“5-5-223. Economic affairs interim committee. (1) The economic affairs interim committee has administrative rule review, draft legislation review, program evaluation, and monitoring functions for the following executive branch agencies and the entities attached to agencies for administrative purposes:

(a) department of agriculture;

(b) department of commerce;

(c) department of labor and industry;

(d) department of livestock;

(e) office of the state auditor and insurance commissioner;

(f) office of economic development;

(g) the state compensation insurance fund provided for in 39-71-2313, including the board of directors of the state compensation insurance fund established in 2-15-1019;

(h) the division of banking and financial institutions provided for in 32-1-211; and

(i) the division of the department of revenue that administers the Montana Alcoholic Beverage Code and the Montana Marijuana Regulation and Taxation Act.

(2) The state compensation insurance fund shall annually provide to the committee a report on its budget as approved by the state compensation insurance fund board of directors.”

Section 25. Section 3-5-113, MCA, is amended to read:

“3-5-113. Judges pro tempore – special masters – scope of authority in criminal and civil cases. (1) (a) A civil action in the district court may be tried by a judge pro tempore or special master, who must be a member of the bar of the state, agreed upon in writing by the parties litigant or their attorneys of record, appointed by the court as provided in 3-5-115, or 3-20-102, or [section 102] and sworn to try the cause before entering upon the duties in trying the cause.

(b) The judge pro tempore or special master has the authority and power of an elected district court judge in the particular civil action tried in the manner provided for in this subsection (1). All proceedings before a judge pro tempore or special master must be conducted in accordance with the rules of evidence and procedure governing district courts.

(c) Any order, judgment, or decree made or rendered in a civil case by the judge pro tempore or special master has the same force and effect as if made or rendered by the district court with the regular judge presiding.

(2) (a) Preliminary, nondispositive proceedings in criminal actions in a district court may be conducted by a judge pro tempore or special master. The judge pro tempore or special master in a criminal case must be appointed by a district court judge or judges as provided in 3-5-122.

(b) All proceedings before a judge pro tempore or special master in a criminal case must be conducted in accordance with the rules of evidence and procedure governing district courts.

(c) The judge pro tempore or special master in a criminal case has the authority and power of a district court judge to issue orders pursuant to Title 46, chapter 9, concerning bail and conditions of release or detention of persons pending trial, and to conduct arraignments, initial appearances on warrants, and initial appearances on probation revocations. An order made by the judge pro tempore or special master in a criminal case has the same force and effect as if made by a district court judge.

(d) Within 10 days after issuance of an order by a judge pro tempore or special master in a criminal case, a party may object to the order as provided by rules of court and a district court judge shall make a de novo determination of that portion of the order to which objection is made. The district court judge may accept, reject, or modify the order in whole or in part. The district court judge may also receive further evidence or recommit the matter to the judge pro tempore or special master with instructions.

(e) All proceedings before a judge pro tempore or special master in a criminal case must be conducted in a suitable room in the courthouse, subject to the provisions of Title 46 relating to the use of two-way electronic audio-video communication. All records must be filed and kept in accordance with the rules governing the district court.”

Section 26. Section 3-5-115, MCA, is amended to read:

“3-5-115. Agreement, petition, and appointment of judge pro tempore – waiver of jury trial. (1) Prior to trial and upon written agreement of all the parties to a civil action, the parties may petition for the appointment of a judge pro tempore. Except as provided in 3-20-102, if the district court judge having jurisdiction over the case where the action was filed finds that the appointment is in the best interest of the parties and serves justice, the district court judge may appoint the judge pro tempore nominated by the parties to preside over the whole action or any aspect of the action as if the regular district court judge were presiding.

(2) Except as provided in 3-20-102, an appointment of a judge pro tempore constitutes a waiver of the right to trial by jury by any party having the right.

(3) The supreme court shall appoint the asbestos claims judge as provided in 3-20-102.

(4) *The supreme court shall appoint a judge to determine the expungement or resentencing of marijuana convictions as provided in [section 102].*

Section 27. Section 5-5-227, MCA, is amended to read:

“5-5-227. Revenue interim committee – powers and duties – revenue estimating and use of estimates. (1) The revenue interim committee has administrative rule review, draft legislation review, program evaluation, and monitoring functions for the state tax appeal board established in 2-15-1015 and for the department of revenue and the entities attached to the department for administrative purposes, except the ~~division~~ *divisions* of the department that ~~administers~~ *administer* the Montana Alcoholic Beverage Code and the *Montana Marijuana Regulation and Taxation Act*.

(2) (a) The committee must have prepared by December 1 for introduction during each regular session of the legislature in which a revenue bill is under consideration an estimate of the amount of revenue projected to be available for legislative appropriation.

(b) The committee may prepare for introduction during a special session of the legislature in which a revenue bill or an appropriation bill is under consideration an estimate of the amount of projected revenue. The revenue estimate is considered a subject specified in the call of a special session under 5-3-101.

(3) The committee’s estimate, as introduced in the legislature, constitutes the legislature’s current revenue estimate until amended or until final adoption of the estimate by both houses. It is intended that the legislature’s estimates and the assumptions underlying the estimates will be used by all agencies with responsibilities for estimating revenue or costs, including the preparation of fiscal notes.

(4) The legislative services division shall provide staff assistance to the committee. The committee may request the assistance of the staffs of the office of the legislative fiscal analyst, the legislative auditor, the department of revenue, and any other agency that has information regarding any of the tax or revenue bases of the state.

(5) The committee shall review tax credits [scheduled to expire] as provided in 15-30-2303.”

Section 28. Section 7-22-2101, MCA, is amended to read:

“7-22-2101. Definitions. As used in this part, unless the context indicates otherwise, the following definitions apply:

(1) “Board” means a district weed board created under 7-22-2103.

(2) “Commissioners” means the board of county commissioners.

(3) “Coordinator” means the person employed by the county to conduct the district noxious weed management program and supervise other district employees.

(4) “Department” means the department of agriculture provided for in 2-15-3001.

(5) “District” means a weed management district organized under 7-22-2102.

(6) “Integrated weed management program” means a program designed for the long-term management and control of weeds using a combination of techniques, including hand-pulling, cultivation, use of herbicide, use of biological control, mechanical treatment, prescribed grazing, prescribed burning, education, prevention, and revegetation.

(7) “Native plant” means a plant indigenous to the state of Montana.

(8) "Native plant community" means an assemblage of native plants occurring in a natural habitat.

(9) (a) "Noxious weeds" or "weeds" means any exotic plant species established or that may be introduced in the state that may render land unfit for agriculture, forestry, livestock, wildlife, or other beneficial uses or that may harm native plant communities and that is designated:

(i) as a statewide noxious weed by rule of the department; or

(ii) as a district noxious weed by a board, following public notice of intent and a public hearing.

(b) A weed designated by rule of the department as a statewide noxious weed must be considered noxious in every district of the state.

(c) *Marijuana, as defined in 16-12-102, may not be considered a noxious weed.*

(10) "Person" means an individual, partnership, corporation, association, or state or local government agency or subdivision owning, occupying, or controlling any land, easement, or right-of-way, including any county, state, or federally owned and controlled highway, drainage or irrigation ditch, spoil bank, barrow pit, or right-of-way for a canal or lateral.

(11) "Weed management" or "control" means the use of an integrated weed management program for the containment, suppression, and, where possible, eradication of noxious weeds."

Section 29. Section 15-64-101, MCA, is amended to read:

"15-64-101. Definitions. As used in this part, the following definitions apply:

(1) *"Adult-use dispensary" has the meaning provided in 16-12-102.*

~~(1)(2)~~ (2) "Department" means the department of revenue provided for in 2-15-101.

(3) *"Dispensary" means an adult-use dispensary or a medical marijuana dispensary.*

(4) *"Licensee" means a licensee operating an adult-use dispensary or a medical marijuana dispensary.*

(5) *"Marijuana" has the meaning provided in 16-12-102.*

~~(2)(6)~~ (6) "Marijuana product" ~~means marijuana as defined in 50-32-101 and marijuana-infused products as defined in 50-46-302~~ *has the meaning provided in 16-12-102.*

~~(3)~~ (3) ~~"Marijuana product provider" means provider or a marijuana-infused products provider as those terms are defined in 50-46-302.~~

(7) *"Medical marijuana dispensary" has the meaning provided in 16-12-102.*

~~(4)(8)~~ (8) "Person" means an individual, firm, partnership, corporation, association, company, committee, other group of persons, or other business entity, however formed.

~~(5)(9)~~ (9) "Purchaser" means a person to whom a sale of *marijuana* or a marijuana product is made.

~~(6)(10)~~ (10) "Retail price" means the established price for which ~~a marijuana product provider~~ *an adult-use dispensary or medical marijuana dispensary* sells *marijuana* or a marijuana product to a purchaser before any discount or reduction.

~~(7)(11)~~ (11) "Sale" or "sell" means any transfer of *marijuana* or marijuana products for consideration, exchange, barter, gift, offer for sale, or distribution in any manner or by any means."

Section 30. Section 15-64-102, MCA, is amended to read:

"15-64-102. Tax on marijuana product providers sales. (1) ~~(a) There~~ *For a medical marijuana dispensary, there is a 4% tax equal to the percentage*

~~provided in subsection (1)(b) on a marijuana product provider's gross sales on the retail price of marijuana, marijuana products, and live marijuana plants for use by individuals with debilitating medical conditions that is payable four times a year.~~

~~(b) The percentage of tax on gross sales in subsection (1)(a) is as follows:~~

~~(i) for gross sales during the calendar quarters beginning October 1, 2019, and ending September 30, 2021, the amount is 4%; and~~

~~(ii) for gross sales during the calendar quarters beginning October 1, 2021, and thereafter, the amount is 2%.~~

~~(2) For an adult use-dispensary, there is a 20% tax on the retail price of marijuana, marijuana products, and live marijuana plants.~~

~~(3) The taxes set forth in subsections (1) and (2) are imposed on the purchaser and must be collected at the time of the sale and paid by the seller to the department for deposit in the marijuana state special revenue account provided for in 16-12-111.~~

~~(2)(4) A marijuana product provider dispensary licensed under Title 16, chapter 12, shall submit a quarterly report to the department listing the total dollar amount of sales from any registered premises, as defined in 50-46-302, operated by the marijuana product provider, including dispensaries. The report must be:~~

~~(a) made on forms prescribed by the department; and~~

~~(b) submitted within 15 days of the end of each calendar quarter.~~

~~(3)(5) At the time the report is filed, the marijuana product provider dispensary shall submit a payment equal to the percentage provided in subsection (1)(b) or (2) of the total dollar amount of sales.~~

~~(4)(6) The department shall deposit the taxes paid under this section in the medical marijuana state special revenue account provided for in 50-46-345 16-12-111 within the state special revenue fund established in 17-2-102.~~

~~(5)(7) The tax imposed by this part and related interest and penalties are a personal debt of the person required to file a return from the time that the liability arises, regardless of when the time for payment of the liability occurs.~~

~~(6)(8) For the purpose of determining liability for the filing of statements and the payment of taxes, penalties, and interest owed under 15-64-103 through 15-64-106:~~

~~(a) the officer of a corporation whose responsibility it is to truthfully account for and pay to the state taxes provided for in 15-64-103 through 15-64-106 and who fails to pay the taxes is liable to the state for the taxes and the penalty and interest due on the amounts;~~

~~(b) each officer of the corporation, to the extent that the officer has access to the requisite records, is individually liable along with the corporation for filing statements and for unpaid taxes, penalties, and interest upon a determination that the officer:~~

~~(i) possessed the responsibility to file statements and pay taxes on behalf of the corporation; and~~

~~(ii) possessed the responsibility on behalf of the corporation for directing the filing of statements or the payment of other corporate obligations and exercised that responsibility, resulting in the corporation's failure to file statements required by this part or pay taxes due as required by this part;~~

~~(c) each partner of a partnership is jointly and severally liable, along with the partnership, for any statements, taxes, penalties, and interest due while a partner;~~

~~(d) each member of a limited liability company that is treated as a partnership or as a corporation for income tax purposes is jointly and severally~~

liable, along with the limited liability company, for any statements, taxes, penalties, and interest due while a member;

(e) the member of a single-member limited liability company that is disregarded for income tax purposes is jointly and severally liable, along with the limited liability company, for any statements, taxes, penalties, and interest due while a member; and

(f) each manager of a manager-managed limited liability company is jointly and severally liable, along with the limited liability company, for any statements, taxes, penalties, and interest due while a manager.

(7)(9) In determining which corporate officer is liable, the department is not limited to considering the elements set forth in subsection (6)(a) (8)(a) to establish individual liability and may consider any other available information.

(8)(10) In the case of a bankruptcy, the liability of the individual remains unaffected by the discharge of penalty and interest against the corporation. The individual remains liable for any statements and the amount of taxes, penalties, and interest unpaid by the entity.

(11) *The tax levied pursuant to this section is separate from and in addition to any general state and local sales and use taxes that apply to retail sales, which must continue to be collected and distributed as provided by law.*

(12) *The tax levied under this section must be used as designated in 16-12-111."*

Section 31. Section 15-64-103, MCA, is amended to read:

"15-64-103. Returns – payment – recordkeeping – authority of department. (1) Each ~~marijuana product provider~~ *dispensary licensed under Title 16, chapter 12*, shall file a return, on a form provided by the department, and pay the tax due as provided in 15-64-102.

(2) Each return must be authenticated by the person filing the return or by the person's agent authorized in writing to file the return.

(3) (a) A person required to pay to the department the taxes imposed by this part shall keep for 5 years:

(i) all receipts issued; and

(ii) an accurate record of all sales of *marijuana and* marijuana products, ~~showing the name and address of each purchaser~~, the date of sale, and the quantity, kind, and retail price of each product sold.

(b) For the purpose of determining compliance with the provisions of this part, the department is authorized to examine or cause to be examined any books, papers, records, or memoranda relevant to making a determination of the amount of tax due, whether the books, papers, records, or memoranda are the property of or in the possession of the person filing the return or another person. In determining compliance, the department may use statistical sampling and other sampling techniques consistent with generally accepted auditing standards. The department may also:

(i) require the attendance of a person having knowledge or information relevant to a return;

(ii) compel the production of books, papers, records, or memoranda by the person required to attend;

(iii) implement the provisions of 15-1-703 if the department determines that the collection of the tax is or may be jeopardized because of delay;

(iv) take testimony on matters material to the determination; and

(v) administer oaths or affirmations.

(4) Pursuant to rules established by the department, returns may be computer-generated and electronically filed."

Section 32. Section 15-64-104, MCA, is amended to read:

“15-64-104. Deficiency assessment – penalty and interest – statute of limitations. (1) If the department determines that the amount of the tax due is greater than the amount disclosed by a return, it shall mail to the ~~marijuana product provider licensee~~ a notice, pursuant to 15-1-211, of the additional tax proposed to be assessed. The notice must contain a statement that if payment is not made, a warrant for distraint may be filed. The ~~marijuana product provider licensee~~ may seek review of the determination pursuant to 15-1-211.

(2) Penalty and interest must be added to a deficiency assessment as provided in 15-1-216. The department may waive any penalty pursuant to 15-1-206.

(3) The amount of tax due under any return may be determined by the department within 5 years after the return was filed, regardless of whether the return was filed on or after the last day prescribed for filing. For purposes of this section, a return due under this part and filed before the last day prescribed by law or rule is considered to be filed on the last day prescribed for filing.”

Section 33. Section 15-64-105, MCA, is amended to read:

“15-64-105. Procedure to compute tax in absence of statement – estimation of tax – failure to file – penalty and interest. (1) If the ~~marijuana product provider licensee~~ fails to file any return required by 15-64-103 within the time required, the department may, at any time, audit the ~~marijuana product provider licensee~~ or estimate the taxes due from any information in its possession and, based on the audit or estimate, assess the ~~marijuana product provider licensee~~ for the taxes, penalties, and interest due the state.

(2) The department shall impose penalty and interest as provided in 15-1-216. The department shall mail to the ~~marijuana product provider licensee~~ a notice, pursuant to 15-1-211, of the tax, penalty, and interest proposed to be assessed. The notice must contain a statement that if payment is not made, a warrant for distraint may be filed. The ~~marijuana product provider licensee~~ may seek review of the determination pursuant to 15-1-211. The department may waive any penalty pursuant to 15-1-206.”

Section 34. Section 15-64-106, MCA, is amended to read:

“15-64-106. Authority to collect delinquent taxes. (1) (a) The department shall collect taxes that are delinquent as determined under this part.

(b) If a tax imposed by this part or any portion of the tax is not paid when due, the department may issue a warrant for distraint as provided in Title 15, chapter 1, part 7.

(2) In addition to any other remedy, in order to collect delinquent taxes after the time for appeal has expired, the department may direct the offset of tax refunds or other funds due the ~~marijuana product provider licensee~~ from the state, except wages subject to the provisions of 25-13-614 and retirement benefits.

(3) As provided in 15-1-705, the ~~marijuana product provider licensee~~ has the right to a review of the tax liability prior to any offset by the department.

(4) The department may file a claim for state funds on behalf of the ~~marijuana product provider licensee~~ if a claim is required before funds are available for offset.”

Section 35. Section 15-64-111, MCA, is amended to read:

“15-64-111. Information – confidentiality – agreements with another state. (1) (a) Except as provided in subsections (2) through (5), in accordance with 15-30-2618 and 15-31-511, it is unlawful for an employee of the department or any other public official or public employee to disclose

or otherwise make known information that is disclosed in a return or report required to be filed under this part or information that concerns the affairs of the person making the return and that is acquired from the person's records, officers, or employees in an examination or audit.

(b) This section may not be construed to prohibit the department from publishing statistics if they are classified in a way that does not disclose the identity of a person making a return or the content of any particular report or return. A person violating the provisions of this section is subject to the penalty provided in 15-30-2618 or 15-31-511 for violating the confidentiality of individual income tax or corporate income tax information.

(2) (a) This section may not be construed to prohibit the department from providing information obtained under this part to:

(i) the department of justice, *the internal revenue service*, or law enforcement to be used for the purpose of investigation and prevention of *criminal activity*, noncompliance, tax evasion, fraud, and abuse under this part; or

(ii) ~~the department of public health and human services to be used for the purpose of investigation and prevention of noncompliance, fraud, and abuse under the Montana Medical Marijuana Act.~~

(b) The department may enter into an agreement with the taxing officials of another state for the interpretation and administration of the laws of their state that provide for the collection of a sales tax or use tax in order to promote fair and equitable administration of the laws and to eliminate double taxation.

(c) In order to implement the provisions of this part, the department may furnish information on a reciprocal basis to the taxing officials of another state if the information remains confidential under statutes within the state receiving the information that are similar to this section.

(3) In order to facilitate processing of returns and payment of taxes required by this part, the department may contract with vendors and may disclose data to the vendors. The data disclosed must be administered by the vendor in a manner consistent with this section.

(4) (a) The officers charged with the custody of the reports and returns may not be required to produce them or evidence of anything contained in them in an action or proceeding in a court, except in an action or proceeding:

(i) to which the department is a party under the provisions of this part or any other taxing act; or

(ii) on behalf of a party to any action or proceedings under the provisions of this part or other taxes when the reports or facts shown by the reports are directly involved in the action or proceedings.

(b) The court may require the production of and may admit in evidence only as much of the reports or of the facts shown by the reports as are pertinent to the action or proceedings.

(5) This section may not be construed to limit the investigative authority of the legislative branch, as provided in 5-11-106, 5-12-303, or 5-13-309."

Section 36. Section 15-64-112, MCA, is amended to read:

"15-64-112. Department to make rules. The department of revenue shall prescribe rules necessary to carry out the purposes of imposing and collecting the marijuana tax on gross sales on marijuana product providers *the sale of marijuana and marijuana products.*"

Section 37. Section 16-12-101, MCA, is amended to read:

"16-12-101. (Effective October 1, 2021 January 1, 2022) Short title – purpose. (1) This chapter may be cited as the "Montana Marijuana Regulation and Taxation Act".

(2) The purpose of this chapter is to:

(a) provide for legal possession and use of limited amounts of marijuana legal for adults 21 years of age or older;

(b) provide for the licensure and regulation of *the commercial* cultivation, manufacture, production, distribution, *transportation*, and sale of marijuana and ~~marijuana-infused marijuana~~ products;

~~(c) allow for limited cultivation, manufacture, delivery, and possession of marijuana as permitted by this chapter;~~

~~(d)(c)~~ eliminate the illicit market for marijuana and ~~marijuana-infused marijuana~~ products;

~~(e)(d)~~ prevent the distribution of marijuana sold under this chapter to persons under 21 years of age;

~~(f)(e)~~ ensure the safety of marijuana and ~~marijuana-infused marijuana~~ products;

~~(g)(f)~~ ensure the security of ~~registered licensed~~ premises and ~~adult-use dispensaries~~;

~~(h)(g)~~ establish reporting requirements for ~~adult-use providers and adult-use marijuana-infused products providers licensees~~;

~~(i)(h)~~ establish inspection requirements for ~~registered premises licensees~~, including data collection on energy use, chemical use, water use, and packaging waste to ensure a clean and healthy environment;

~~(j)(i)~~ provide for the testing of marijuana *and marijuana products* by licensed testing laboratories;

~~(k)(j)~~ give local governments ~~a role in establishing standards for authority to allow for the operation of marijuana businesses in their community and establishing standards for~~ the cultivation, manufacture, and sale of marijuana that protect the public health, safety, and welfare of residents within their jurisdictions;

~~(l)(k)~~ tax the sale of marijuana and ~~marijuana-infused marijuana~~ products to ~~generate revenue for the state and~~ provide compensation for the economic and social costs of ~~past and current~~ marijuana cultivation, processing, and use; ~~by directing funding to:~~

~~(i) conservation programs to offset the use of water and soil in marijuana cultivation;~~

~~(ii) substance abuse treatment and prevention programs;~~

~~(iii) veterans' services and support;~~

~~(iv) health care;~~

~~(v) localities where marijuana is sold; and~~

~~(vi) the state general fund;~~

~~(m)(l)~~ authorize courts to resentence persons who are currently serving sentences for acts that are permitted under this chapter or for which the penalty is reduced by this chapter and to redesignate or expunge those offenses from the criminal records of persons who have completed their sentences as set forth in this chapter; *and*

(m) preserve and protect Montana's well-established hemp industry by drawing a clear distinction between those participants and programs and the participants and programs associated with the marijuana industry.

(3) *Marijuana and marijuana products are not agricultural products, and the cultivation, processing, manufacturing or selling of marijuana or marijuana products is not considered agriculture subject to regulation by the department of agriculture unless expressly provided."*

Section 38. Section 16-12-102, MCA, is amended to read:

~~“16-12-102. (Effective October 1, 2021 January 1, 2022) Definitions.~~

As used in this chapter, the following definitions apply:

(1) ~~“Adult-use dispensary” means a registered licensed premises from which a licensed adult-use provider or adult-use marijuana-infused products provider is approved by the department to dispense marijuana or marijuana-infused products to a consumer person licensed by the department may:~~

~~(a) obtain marijuana or marijuana products from a licensed cultivator, manufacturer, dispensary, or other licensee approved under this chapter; and~~

~~(b) sell marijuana or marijuana products to registered cardholders, adults that are 21 years of age or older, or both.~~

~~(2) “Adult-use marijuana-infused products provider” means a person licensed by the department to manufacture and provide marijuana-infused products for consumers as allowed by this chapter.~~

~~(3) “Adult-use provider” means a person licensed by the department to cultivate and process marijuana for consumers as allowed by this chapter.~~

~~(2) “Affiliate” means a person that directly, or indirectly through one or more intermediaries, controls or is controlled by, or is under common control with, another person.~~

~~(3) “Beneficial owner of”, “beneficial ownership of”, or “beneficially owns an” is determined in accordance with section 13(d) of the federal Securities and Exchange Act of 1934, as amended.~~

~~(4) “Canopy” means the total amount of square footage dedicated to live plant production at a registered licensed premises consisting of the area of the floor, platform, or means of support or suspension of the plant.~~

~~(5) “Consumer” means a person 21 years of age or older who obtains or possesses marijuana or marijuana-infused marijuana products for personal use from a licensed dispensary or for use by persons who are at least 21 years of age, but not for resale.~~

~~(6) “Control”, “controls”, “controlled”, “controlling”, “controlled by”, and “under common control with” mean the possession, direct or indirect, of the power to direct or cause the direction of the management or policies of a person, whether through the ownership of voting owner’s interests, by contract, or otherwise.~~

~~(7) “Controlling beneficial owner” means a person that satisfies one or more of the following:~~

~~(a) is a natural person, an entity that is organized under the laws of and for which its principal place of business is located in one of the states or territories of the United States or District of Columbia, a publicly traded corporation, and:~~

~~(i) acting alone or acting in concert, owns or acquires beneficial ownership of 5% or more of the owner’s interest of a marijuana business;~~

~~(ii) is an affiliate that controls a marijuana business and includes, without limitation, any manager; or~~

~~(iii) is otherwise in a position to control the marijuana business; or~~

~~(b) is a qualified institutional investor acting alone or acting in concert that owns or acquires beneficial ownership of more than 15% of the owner’s interest of a marijuana business.~~

~~(6)(8) “Correctional facility or program” means a facility or program that is described in 53-1-202(2) or (3) and to which an individual may be ordered by any court of competent jurisdiction.~~

~~(9) “Cultivator” means a person licensed by the department to:~~

~~(a) plant, cultivate, grow, harvest, and dry marijuana; and~~

(b) *package and relabel marijuana produced at the location in a natural or naturally dried form that has not been converted, concentrated, or compounded for sale through a licensed dispensary.*

(10) *“Debilitating medical condition” means:*

(a) *cancer, glaucoma, positive status for human immunodeficiency virus, or acquired immune deficiency syndrome when the condition or disease results in symptoms that seriously and adversely affect the patient’s health status;*

(b) *cachexia or wasting syndrome;*

(c) *severe chronic pain that is a persistent pain of severe intensity that significantly interferes with daily activities as documented by the patient’s treating physician;*

(d) *intractable nausea or vomiting;*

(e) *epilepsy or an intractable seizure disorder;*

(f) *multiple sclerosis;*

(g) *Crohn’s disease;*

(h) *painful peripheral neuropathy;*

(i) *a central nervous system disorder resulting in chronic, painful spasticity or muscle spasms;*

(j) *admittance into hospice care in accordance with rules adopted by the department; or*

(k) *posttraumatic stress disorder.*

(7)(11) *“Department” means the department of revenue provided for in 2-15-1301.*

(8)(12) (a) *“Employee” means an individual employed to do something for the benefit of an employer.*

(b) *The term includes a manager, agent, or director of a partnership, association, company, corporation, limited liability company, or organization.*

(c) *The term does not include a third party with whom a licensee has a contractual relationship.*

(9)(13) (a) *“Financial interest” means a legal or beneficial interest that entitles the holder, directly or indirectly through a business, an investment, or a spouse, parent, or child relationship, to 1% 5% or more of the net profits or net worth of the entity in which the interest is held.*

(b) *The term does not include interest held by a bank or licensed lending institution or a security interest, lien, or encumbrance but does include holders of private loans or convertible securities.*

(14) *“Former medical marijuana licensee” means a person that was licensed by or had an application for licensure pending with the department of public health and human services to provide marijuana to individuals with debilitating medical conditions on November 3, 2020.*

(15) (a) *“Indoor cultivation facility” means an enclosed area used to grow live plants that is within a permanent structure using artificial light exclusively or to supplement natural sunlight.*

(b) *The term may include:*

(i) *a greenhouse;*

(ii) *a hoop house; or*

(iii) *a similar structure that protects the plants from variable temperature, precipitation, and wind.*

(16) *“Licensed premises” means all locations related to, or associated with, a specific license that is authorized under this chapter and includes all enclosed public and private areas at the location that are used in the business operated pursuant to a license, including offices, kitchens, restrooms, and storerooms.*

(10)(17) *“Licensee” means a person holding a state license issued pursuant to this chapter.*

~~(11)~~(18) "Local government" means a county, a consolidated government, or an incorporated city or town.

~~(12) "Manufacturing" means the production of marijuana concentrate.~~

(19) "Manufacturer" means a person licensed by the department to convert or compound marijuana into marijuana products, marijuana concentrates, or marijuana extracts and package, repack, label, or relabel marijuana products as allowed under this chapter.

~~(13)~~(20) (a) "Marijuana" means all plant material from the genus *Cannabis* containing tetrahydrocannabinol (THC) or seeds of the genus capable of germination.

(b) The term does not include hemp, including any part of that plant, including the seeds and all derivatives, extracts, cannabinoids, isomers, acids, salts, and salts of isomers, whether growing or not, with a delta-9 tetrahydrocannabinol concentration of not more than 0.3% on a dry weight basis, or commodities or products manufactured with hemp, or any other ingredient combined with marijuana to prepare topical or oral administrations, food, drink, or other products.

(c) *The term does not include a drug approved by the United States food and drug administration pursuant to section 505 of the Federal Food, Drug, and Cosmetic Act, 21 U.S.C. 301, et seq.*

(21) "Marijuana business" means a cultivator, manufacturer, adult-use dispensary, medical marijuana dispensary, combined-use marijuana licensee, testing laboratory, marijuana transporter, or any other business or function that is licensed by the department under this chapter.

~~(14)~~(22) "Marijuana concentrate" means any type of marijuana product consisting wholly or in part of the resin extracted from any part of the marijuana plant.

~~(15)~~(23) "Marijuana derivative" means any mixture or preparation of the dried leaves, flowers, resin, or byproducts of the marijuana plant, including but not limited to marijuana concentrates and ~~marijuana-infused~~ other marijuana products.

~~(16)~~(24) "~~Marijuana-infused~~ Marijuana product" means a product that contains marijuana and is intended for use by a consumer by a means other than smoking. The term includes but is not limited to edible products, ointments, and tinctures, marijuana derivatives, and marijuana concentrates.

(25) "Marijuana transporter" means a person that is licensed to transport marijuana and marijuana products from one marijuana business to another marijuana business, or to and from a testing laboratory, and to temporarily store the transported retail marijuana and retail marijuana products at its licensed premises, but is not authorized to sell marijuana or marijuana products to consumers under any circumstances.

~~(17)~~(26) "Mature marijuana plant" means a harvestable female marijuana plant that is flowering.

(27) "Medical marijuana" means marijuana or marijuana products that are for sale solely to a cardholder who is registered under [sections 9 through 23].

(28) "Medical marijuana dispensary" means the location from which a registered cardholder may obtain marijuana or marijuana products.

~~(18) "Owner" means a principal officer, director, board member, or individual who has a financial interest or voting interest of 10% or greater in an adult-use dispensary, adult-use provider, or adult-use marijuana-infused products provider.~~

(29) *“Outdoor cultivation” means live plants growing in an area exposed to natural sunlight and environmental conditions including variable temperature, precipitation, and wind.*

(30) *“Owner’s interest” means the shares of stock in a corporation, a membership in a nonprofit corporation, a membership interest in a limited liability company, the interest of a member in a cooperative or in a limited cooperative association, a partnership interest in a limited partnership, a partnership interest in a partnership, and the interest of a member in a limited partnership association.*

(19)(31) *“Paraphernalia” has the meaning provided for “drug paraphernalia” in 45-10-101.*

(32) *“Passive beneficial owner” means any person acquiring an owner’s interest in a marijuana business that is not otherwise a controlling beneficial owner or in control.*

(20)(33) *“Person” means an individual, partnership, association, company, corporation, limited liability company, or organization.*

(21) *“Registered premises” means a location that is licensed pursuant to this chapter and includes:*

(a) ~~all enclosed public and private areas at the location that are used in the business operated pursuant to a license, including offices, kitchens, restrooms, and storerooms; and~~

(b) ~~if the department has specifically licensed a location for outdoor cultivation, production, manufacturing, wholesale sale, or retail sale of adult-use marijuana and adult-use marijuana-infused products, the entire unit of land that is created by subsection or partition of land that the licensee owns, leases, or has the right to occupy.~~

(34) *“Qualified institutional investor” means:*

(a) *a bank or banking institution including any bank, trust company, member bank of the federal reserve system, bank and trust company, stock savings bank, or mutual savings bank that is organized and doing business under the laws of this state, any other state, or the laws of the United States;*

(b) *a bank holding company as defined in 32-1-109;*

(c) *a company organized as an insurance company whose primary and predominant business activity is the writing of insurance or the reinsuring of risks underwritten by insurance companies, and that is subject to regulation or oversight by the insurance department of the office of the state auditor or a similar agency of another state, or any receiver or similar official or any liquidating agent for such a company, in their capacity as such an insurance company;*

(d) *an investment company registered under section 8 of the federal Investment Company Act of 1940, as amended;*

(e) *an employee benefit plan or pension fund subject to the federal Employee Retirement Income Security Act of 1974, excluding an employee benefit plan or pension fund sponsored by a licensee or an intermediary holding company licensee that directly or indirectly owns 10% or more of a licensee;*

(f) *a state or federal government pension plan; or*

(g) *any other entity identified by rule by the department.*

(35) *“Registered cardholder” or “cardholder” means a Montana resident with a debilitating medical condition who has received and maintains a valid registry identification card.*

(36) *“Registry identification card” means a document issued by the department pursuant to [section 11] that identifies an individual as a registered cardholder.*

~~(22)~~(37) (a) "Resident" means an individual who meets the requirements of 1-1-215.

(b) An individual is not considered a resident for the purposes of this chapter if the individual:

(i) claims residence in another state or country for any purpose; or

(ii) is an absentee property owner paying property tax on property in Montana.

~~(23)~~(38) "Seedling" means a marijuana plant that has no flowers and is less than 12 inches in height and 12 inches in diameter.

~~(24)~~(39) "State laboratory" means the laboratory operated by the department of public health and human services to conduct environmental analyses.

~~(25)~~(40) "Testing laboratory" ~~has the meaning as provided in 50-46-302 means a qualified person, licensed under this chapter that:~~

(a) ~~provides testing of representative samples of marijuana and marijuana products; and~~

(b) ~~provides information regarding the chemical composition and potency of a sample, as well as the presence of molds, pesticides, or other contaminants in a sample.~~

~~(26) "Unduly burdensome" means requiring such a high investment of money, time, or any other resource or asset to achieve compliance that a reasonably prudent businessperson would not operate.~~

~~(41) (a) "Usable marijuana" means the dried leaves and flowers of the marijuana plant that are appropriate for the use of marijuana by an individual.~~

~~(b) The term does not include the seeds, stalks, and roots of the plant."~~

Section 39. Section 16-12-104, MCA, is amended to read:

"16-12-104. (Effective October 1, 2021 January 1, 2022) Department responsibilities – licensure. (1) The department shall establish and maintain a registry of persons who receive licenses under this chapter.

(2) (a) The department shall issue *the following license types to persons who submit applications meeting the requirements of this chapter:*

(a) ~~licenses:~~

(i) ~~to persons who apply to operate as adult-use providers or adult-use marijuana-infused products providers and who submit applications meeting the requirements of this chapter; and~~

(ii) ~~for adult-use dispensaries established by adult-use providers or adult-use marijuana-infused products providers; and~~

(b) ~~endorsements for manufacturing to an adult-use provider or an adult-use marijuana-infused products provider that applies for a manufacturing endorsement and meets requirements established by the department by rule:~~

(i) *cultivator license;*

(ii) *manufacturer license;*

(iii) *adult-use dispensary license or a medical marijuana dispensary license;*

(iv) *testing laboratory license.*

(v) *marijuana transporter license.*

(vi) *combined-use marijuana license.*

(b) *The department may establish other license types, sub-types, endorsements, and restrictions it considers necessary for the efficient administration of this chapter.*

(2) ~~A person who obtains an adult-use provider license, adult-use marijuana-infused products provider license, or adult-use dispensary license or an employee of a licensed adult-use provider or adult-use marijuana-infused products provider is authorized to cultivate, manufacture, possess, sell, and transport marijuana as allowed by this chapter.~~

~~(3) A person who obtains a testing laboratory license or an employee of a licensed testing laboratory is authorized to possess, test, and transport marijuana as allowed by this chapter.~~

~~(4) The department shall conduct criminal history background checks as required by 50-46-307 and 50-46-308 before issuing a license to a person named as a provider or marijuana-infused products provider.~~

~~(5) Licenses issued pursuant to this chapter must:~~

~~(a) be laminated and produced on a material capable of lasting for the duration of the time period for which the license is valid;~~

~~(b) indicate whether an adult-use provider or an adult-use marijuana-infused products provider has an endorsement for manufacturing;~~

~~(c) state the date of issuance and the expiration date of the license; and~~

~~(d) contain other information that the department may specify by rule.~~

~~(6) (a) The department shall make application forms available and begin accepting applications for licensure and endorsement under this chapter on or before January 1, 2022.~~

~~(3) A licensee may not cultivate hemp or engage in hemp manufacturing at a licensee premises.~~

~~(4) A person licensed to cultivate or manufacture marijuana or marijuana products is subject to the provisions contained in the Montana Pesticides Act provided for in Title 80, chapter 8.~~

~~(5) The department shall assess applications for licensure or renewal to determine if an applicant, controlling beneficial owner, or a person with a financial interest in the applicant meets any of the criteria established in this chapter for denial of a license.~~

~~(6) A license issued pursuant to this chapter must be displayed by the licensee as provided for in rule by the department.~~

~~(b)(7) (a) The department shall review the information contained in an application or renewal submitted pursuant to this chapter and shall approve or deny an application:~~

~~(i) within 30 60 days of receiving the application or renewal and all related application materials from a former medical marijuana licensee or an existing licensed provider or marijuana-infused products provider licensee under this chapter; and~~

~~(ii) within 90 120 days of receiving the application and all related application materials from a new applicant.~~

~~(e)(b) If the department fails to act on a completed application within the time allowed under subsection (6)(b) (7)(a), the department shall:~~

~~(i) reduce the cost of the licensing fee for a new applicant for licensure or endorsement or for a licensee seeking renewal of a license by 5% each week that the application is pending; and~~

~~(ii) allow a licensee to continue operation until the department takes final action.~~

~~(d) Applications that are not processed within the time allowed under subsection (6)(b) remain active until the department takes final action.~~

~~(e)(c) (i) The department may not take final action on an application for a license or renewal of a license until the department has completed a satisfactory inspection as required by this chapter and related administrative rules.~~

~~(ii) Failure by the department to complete the required inspection within the time allowed under subsection (6)(b) does not prevent an application from being considered complete for the purpose of subsection (6)(c).~~

~~(f)(d) The department shall issue a license or endorsement within 5 days of approving an application or renewal.~~

(7)(8) Review of a rejection of an application or renewal may be conducted as a contested case hearing *before the department's office of dispute resolution* pursuant to the provisions of the Montana Administrative Procedure Act.

(a) *A person may appeal any decision of the department of revenue concerning the issuance, rejection, suspension, or revocation of a license provided for by this chapter to the district court in the county in which the person operates or proposes to operate. If a person operates or seeks to operate in more than one county, the person may seek judicial review in the district court with jurisdiction over actions arising in any of the counties where it operates or seeks to operate.*

(b) *An appeal pursuant to subsection (8)(a) must be made by filing a complaint setting forth the grounds for relief and the nature of relief demanded with the district court within 30 days following receipt of notice of the department's final decision.*

~~(8)(9) Licenses and endorsements issued to adult-use providers and adult-use marijuana-infused products providers under this chapter must be renewed annually.~~

~~(9)(10) (a) The department shall provide the names and phone numbers of adult-use providers and adult-use marijuana-infused products providers persons licensed under this chapter and the city, town, or county where registered licensed premises and testing laboratories are located to the public on the department's website. The Except as provided in subsection (10)(b), the department may not disclose the physical location or address of an adult-use provider, adult-use marijuana-infused products provider, adult-use dispensary, or testing laboratory a marijuana business.~~

~~(b) The department may share the physical location or address of a marijuana business with another state agency, political subdivision, and the state fire marshal.~~

~~(10)(11) The department may not prohibit an adult-use provider, adult-use marijuana-infused products provider, a cultivator, manufacturer, or adult-use dispensary licensee operating in compliance with the requirements of this chapter from operating at a shared location with a provider, marijuana-infused products provider, or dispensary as defined in 50-46-302 if the provider, marijuana-infused products provider, or dispensary is owned by the same person medical marijuana dispensary.~~

~~(11)(12) The department may not adopt rules requiring a consumer to provide an adult-use provider, adult-use marijuana-infused products provider, or adult-use dispensary a licensee with identifying information other than government-issued identification to determine the consumer's age or require the recording of personal information about consumers other than information typically required in a retail transaction. A licensee that scans a person's driver's license using an electronic reader to determine the person's age:~~

~~(a) may only use data or metadata from the scan determine the person's age;~~

~~(b) may not transfer or sell that data or metadata to another party; and~~

~~(c) shall permanently delete any data or metadata from the scan within 180 days, unless otherwise provided for in this chapter or by the department.~~

~~(13) (a) Except as provided in subsection (13)(b), licenses issued by the department under this chapter are nontransferable.~~

~~(b) A licensee may sell its marijuana business, including live plants, inventory, and material assets to a person who is licensed by the department under the provisions of this chapter. The department may, in its discretion, issue a temporary license to the acquiring party to facilitate the transfer of the licensee's marijuana business.~~

(14) A person who is not a controlling beneficial owner in a licensee may not receive or otherwise obtain an ownership interest in a licensee that results in the person becoming a controlling beneficial owner unless the licensee notifies, in writing, the department of the proposed transaction, and the department determines that the person qualifies for ownership under the provisions of this chapter."

Section 40. Section 16-12-105, MCA, is amended to read:

"16-12-105. (Effective ~~October 1, 2021~~ January 1, 2022) Department responsibility to monitor and assess marijuana production, testing, sales, and license revocation. (1) (a) The department shall implement a system for tracking marijuana, ~~marijuana concentrate, and marijuana-infused and marijuana products~~ from either the seed or the seedling stage until the ~~marijuana, marijuana concentrate, or marijuana-infused product~~ it is sold to a consumer or registered cardholder.

(b) The system must:

(i) ~~ensure that the marijuana, marijuana concentrate, or marijuana-infused product and marijuana products~~ cultivated, manufactured, possessed, and sold under this chapter ~~is~~ are not sold or otherwise provided to an individual who is under 21 years of age ~~and who is not a medical marijuana unless that person is a registered cardholder; and~~

(ii)(c) ~~The system must~~ be made available to ~~adult-use providers, adult-use marijuana-infused products providers, adult-use dispensaries, and testing laboratories at no additional cost licensees, except that licensees shall bear the responsibility and cost for procuring unique identification tracking tags to facilitate the tracking of marijuana and marijuana products.~~

(2) *The department shall if technology allows, require use of a mandatory semicashless payment system occurring at the point of sale for all dispensaries. Adult-use dispensaries and medical marijuana dispensaries are required to utilize a semicashless point of sale system when selling marijuana and marijuana products to consumers or registered cardholders. The department may establish by rule the requirements, standards, and private company that a licensee must use when utilizing such a system in a dispensary. The semicashless processor is authorized to make deposits to an account specified by the department for tax collection.*

(3) *The department is authorized to share seed-to-sale information with the licensee's depository institution, any other government agency, or the semicashless processor.*

(b) ~~The department may implement the same system that is used to track marijuana, marijuana concentrate, and marijuana-infused products pursuant to 50-46-304.~~

(2) ~~The department shall assess applications for an adult-use provider or adult-use marijuana-infused products provider license to determine if a person with a financial interest in the applicant meets any of the criteria established in 16-12-203 for denial of a license.~~

(3) ~~Before issuing or renewing a license, the department shall inspect the proposed registered premises of an adult-use provider or adult-use marijuana-infused products provider and shall inspect the property to be used to ensure an applicant for licensure or license renewal is in compliance with this chapter. The department may not issue or renew a license if the applicant does not meet the requirements of this chapter.~~

(4) (a) ~~The department shall license providers and marijuana-infused products providers according to a tiered canopy system.~~

(b) (i) ~~The system shall include, at a minimum, the following license types:~~

(A) A micro tier canopy license allows for a canopy of up to 250 square feet at one registered premises.

(B) A tier 1 canopy license allows for a canopy of up to 1,000 square feet at one registered premises. A minimum of 500 square feet must be equipped for cultivation.

(C) A tier 2 canopy license allows for a canopy of up to 2,500 square feet at up to two registered premises. A minimum of 1,100 square feet must be equipped for cultivation.

(D) A tier 3 canopy license allows for a canopy of up to 5,000 square feet at up to three registered premises. A minimum of 2,600 square feet must be equipped for cultivation.

(E) A tier 4 canopy license allows for a canopy of up to 7,500 square feet at up to four registered premises. A minimum of 5,100 square feet must be equipped for cultivation.

(F) A tier 5 canopy license allows for a canopy of up to 10,000 square feet at up to five registered premises. A minimum of 7,750 square feet must be equipped for cultivation.

(G) A tier 6 canopy license allows for a canopy of up to 13,000 square feet at up to five registered premises. A minimum of 10,250 square feet must be equipped for cultivation.

(H) A tier 7 canopy license allows for a canopy of up to 15,000 square feet at up to five registered premises. A minimum of 13,250 square feet must be equipped for cultivation.

(I) A tier 8 canopy license allows for a canopy of up to 17,500 square feet at up to five registered premises. A minimum of 15,250 square feet must be equipped for cultivation.

(J) A tier 9 canopy license allows for a canopy of up to 20,000 square feet at up to six registered premises. A minimum of 17,750 square feet must be equipped for cultivation.

(K) A tier 10 canopy license allows for a canopy of up to 30,000 square feet at up to seven registered premises. A minimum of 24,000 square feet must be equipped for cultivation.

(ii) As used in this subsection (4)(b), "equipped for cultivation" means that the space is either ready for cultivation or in use for cultivation.

(c) An adult-use provider or adult-use marijuana-infused products provider who has reached capacity under the existing license may apply to advance to the next licensing tier. The department:

(i) may increase a licensure level by only one tier at a time; and

(ii) shall conduct an inspection of the adult-use provider or adult-use marijuana-infused products provider's registered premises and proposed premises within 30 days of receiving the application and before approving the application.

(d) The department may create additional licensing tiers by rule if a provider with a tier 10 canopy license petitions the department to create a new licensure level and:

(i) the producer or provider demonstrates that the licensee is using the full amount of canopy currently authorized; and

(ii) the tracking system shows the licensee is selling at least 80% of the marijuana or marijuana-infused products produced by the square footage of the licensee's existing license over the 2 previous quarters or the licensee can otherwise demonstrate to the department that there is a market for the marijuana or marijuana-infused products it seeks to produce.

(e) The department is authorized to create additional tiers as necessary, including an adjusted tier system to account for outdoor cultivation.

(f) ~~The registered premises limitations for each tier of licensing apply only to registered premises at which marijuana is cultivated. The limitations do not apply to the number of adult-use dispensaries an adult-use provider or adult-use marijuana-infused products provider may have.~~

(g) ~~The department shall require evidence that the licensee is able to successfully cultivate the minimum amount of space allowed for the tier and sell the amount of marijuana produced by the minimum cultivation level before allowing a licensee to move up a tier. Annual licensing fees must be prorated based on the time licensed at a specific tier if less than 1 year.~~

(h) ~~No person may be initially licensed greater than a tier 2 unless the person is purchasing a business licensed at a tier higher than tier 2 or the person is already licensed at higher than tier 2 under Title 50, chapter 46, part 3, and is applying for the equivalent size tier under this chapter.~~

Section 41. Section 16-12-106, MCA, is amended to read:

“16-12-106. Personal use and cultivation of marijuana – penalties.

(1) Subject to the limitations in 16-12-108, the following acts are lawful and may not be an offense under state law or the laws of any local government within the state, be a basis to impose a civil fine, penalty, or sanction, or be a basis to detain, search, or arrest, or otherwise deny any right or privilege, or to seize or forfeit assets under state law or the laws of any local government for a person who is 21 years of age or older:

(a) possessing, purchasing, obtaining, using, ingesting, inhaling, or transporting 1 ounce or less of *usable* marijuana, except that not more than 8 grams may be in a concentrated form *and not more than 800 milligrams of THC may be in edible marijuana products meant to be eaten or swallowed in solid form*;

(b) transferring, delivering, or distributing without consideration, to a person who is 21 years of age or older, 1 ounce or less of *usable* marijuana, except that not more than 8 grams may be in a concentrated form *and not more than 800 milligrams of THC may be in edible marijuana products meant to be eaten or swallowed in solid form*;

(c) in or on the grounds of a private residence, possessing, planting, or cultivating up to ~~four~~ *two* mature marijuana plants and ~~four~~ *two* seedlings, *or four mature marijuana plants and four seedlings for a registered cardholder*, and possessing, harvesting, drying, processing, or manufacturing the marijuana, provided that:

(i) marijuana plants and any marijuana produced by the plants in excess of 1 ounce must be kept in a locked space in or on the grounds of one private residence and may not be visible by normal, unaided vision from a public place;

(ii) not more than twice the number of marijuana plants permitted under this subsection (1)(c) may be cultivated in or on the grounds of a single private residence simultaneously;

(iii) a person growing or storing marijuana plants under this subsection (1)(c) must own the private residence where the plants are cultivated and stored or obtain written permission to cultivate and store marijuana from the owner of the private residence; and

(iv) no portion of a private residence used for cultivation of marijuana and manufacture of ~~marijuana-infused marijuana~~ products for personal use may be shared with, rented, or leased to ~~an adult-use provider or an adult-use marijuana-infused products provider~~ *a marijuana business*;

(d) assisting another person who is at least 21 years of age in any of the acts permitted by this section, including allowing another person to use one's personal residence for any of the acts described in this section; and

(e) possessing, purchasing, using, delivering, distributing, manufacturing, transferring, or selling to persons 18 years of age or older paraphernalia relating to marijuana.

(2) A person who cultivates marijuana plants that are visible by normal, unaided vision from a public place in violation of subsection (1)(c)(i) is subject to a civil fine not exceeding \$250 and forfeiture of the marijuana.

(3) A person who cultivates marijuana plants or stores marijuana outside of a locked space is subject to a civil fine not exceeding \$250 and forfeiture of the marijuana.

(4) A person who smokes marijuana in a public place, other than in an area licensed for that activity by the department, is subject to a civil fine not exceeding \$50.

(5) For a person who is under 21 years of age and is not a registered cardholder, possession, use, ingestion, inhalation, transportation, delivery without consideration, or distribution without consideration of 1 ounce or less of marijuana is punishable by forfeiture of the marijuana and the underage person's choice between:

(a) a civil fine not to exceed \$100; or

(b) up to 4 hours of drug education or counseling in lieu of the fine.

(6) For a person who is under 18 years of age and is not a registered cardholder, possession, use, transportation, delivery without consideration, or distribution without consideration of marijuana paraphernalia is punishable by forfeiture of the marijuana paraphernalia and the underage person's choice between:

(a) a civil fine not to exceed \$100; or

(b) up to 4 hours of drug education or counseling in lieu of the fine.

(7) Unless otherwise permitted under the provisions of Title 50, ~~chapter 46, part 3 [sections 9 through 23]~~, the possession, production, delivery without consideration to a person 21 years of age or older, or possession with intent to deliver more than 1 ounce but less than 2 ounces of marijuana or more than 8 grams but less than 16 grams of marijuana in a concentrated form is punishable by forfeiture of the marijuana and:

(a) for a first violation, the person's choice between a civil fine not exceeding \$200 or completing up to 4 hours of community service in lieu of the fine;

(b) for a second violation, the person's choice between a civil fine not exceeding \$300 or completing up to 6 hours of community service in lieu of the fine;

(c) for a third or subsequent violation, the person's choice between a civil fine not exceeding \$500 or completing up to 8 hours of community service in lieu of the fine; and

(d) for a person under 21 years of age, the person's choice between a civil fine not to exceed \$200 or attending up to 8 hours of drug education or counseling in lieu of the fine.

~~(8) A person may not be denied adoption, custody, or visitation rights relative to a minor solely for conduct that is permitted by this chapter.~~

~~(9) A person may not be denied access to or priority for an organ transplant or denied access to health care solely for conduct that is permitted by this chapter.~~

~~(10) A person currently under parole, probation, or other state supervision or released awaiting trial or other hearing may not be punished or otherwise penalized solely for conduct that is permitted by this chapter.~~

~~(11) A holder of a professional or occupational license may not be subjected to professional discipline for providing advice or services arising out of or~~

related to conduct that is permitted by this chapter solely on the basis that marijuana is prohibited by federal law.

(12) It is the public policy of the state of Montana that contracts related to the operation of licensees be enforceable.

(8) A person may not be denied adoption, custody, or visitation rights relative to a minor solely for conduct that is permitted by this chapter.

(9) A person may not be denied access to or priority for an organ transplant or denied access to health care solely for conduct that is permitted by this chapter.”

Section 42. Section 16-12-107, MCA, is amended to read:

“16-12-107. (Effective October 1, 2021 January 1, 2022) Legal protections – allowable amounts. (1) An adult-use provider or adult-use marijuana-infused products provider A cultivator may have the canopy allotment allowed by the department. The canopy allotment is a cumulative total for all of the adult-use provider’s or adult-use marijuana-infused products provider’s registered premises.

(2) Except as provided in 16-12-108, a person licensed under this chapter may not be arrested, prosecuted, penalized, or denied any right or privilege, including but not limited to civil fine or disciplinary action by a professional licensing board or the department of labor and industry, solely because the person cultivates, manufactures, possesses, or transports marijuana in the amounts and manner allowed under this chapter.

(3) A person may not be arrested or prosecuted for possession, conspiracy as provided in 45-4-102, or any other offense solely for being in the presence or vicinity of the use of marijuana and marijuana-infused marijuana products as permitted under this chapter.

(4) Except as provided in 16-12-210, possession of or application for a license does not solely constitute probable cause to search a person or the property of a person or otherwise subject a person or property of a person to inspection by any governmental agency, including a law enforcement agency.

(5) The provisions of this section relating to protection from arrest or prosecution do not apply to a person unless the person has obtained a license prior to an arrest or the filing of a criminal charge. It is not a defense to a criminal charge that a person obtains a license after an arrest or the filing of a criminal charge.

(6) An adult-use provider or adult-use marijuana-infused products provider A cultivator or manufacturer is presumed to be engaged in the use of marijuana as allowed by this chapter if the person is in possession of an amount of marijuana that does not exceed the amount permitted under this chapter.”

Section 43. Section 16-12-108, MCA, is amended to read:

“16-12-108. Limitations of act. (1) This chapter does not permit:

(a) any individual to operate, navigate, or be in actual physical control of a motor vehicle, train, aircraft, motorboat, or other motorized form of transport while under the influence of marijuana or marijuana products;

(b) consumption of marijuana or marijuana products while operating or being in physical control of a motor vehicle, train, aircraft, motorboat, or other motorized form of transport while it is being operated;

(c) smoking or consuming marijuana while riding in the passenger seat within an enclosed compartment of a motor vehicle, train, aircraft, motorboat, or other motorized form of transport while it is being operated;

(d) delivery or distribution of marijuana or marijuana products, with or without consideration, to a person under 21 years of age;

(e) purchase, consumption, or use of marijuana *or marijuana products* by a person under 21 years of age;

(f) possession or transport of marijuana *or marijuana products* by a person under 21 years of age unless the underage person is at least 18 years of age and is an employee of an ~~adult-use provider, adult-use marijuana-infused products provider, or adult-use dispensary~~ *a marijuana business licensed under this chapter* and engaged in work activities;

(g) possession or consumption of marijuana *or marijuana products*, or possession of marijuana paraphernalia:

(i) on the grounds of any property owned or leased by a school district, a public or private preschool, school, or postsecondary school as defined in 20-5-402;

(ii) in a school bus *or other form of public transportation*;

(iii) in a health care facility as defined in 50-5-101; ~~or~~

(iv) on the grounds of any correctional facility; *or*

(v) *in a hotel or motel room*;

(h) ~~smoking~~ using marijuana *or marijuana products* in a location where smoking tobacco is prohibited;

(i) consumption of marijuana *or marijuana products* in a public place, except as allowed by the department;

(j) conduct that endangers others;

(k) undertaking any task while under the influence of marijuana *or marijuana products* if doing so would constitute negligence or professional malpractice; *or*

(l) performing solvent-based extractions on marijuana using solvents other than water, glycerin, propylene glycol, vegetable oil, or food-grade ethanol unless licensed for this activity by the department.

(2) *A person may not cultivate marijuana in a manner that is visible from the street or other public area.*

(3) *A hospice or residential care facility licensed under Title 50, chapter 5, may adopt a policy that allows use of marijuana by a registered cardholder.*

~~(2)(4)~~ Nothing in this chapter may be construed to:

(a) require an employer to permit or accommodate conduct otherwise allowed by this chapter in any workplace or on the employer's property;

(b) prohibit an employer from disciplining an employee for violation of a workplace drug policy or for working while intoxicated by marijuana *or marijuana products*;

(c) prevent an employer from declining to hire, discharging, disciplining, or otherwise taking an adverse employment action against an individual with respect to hire, tenure, terms, conditions, or privileges of employment because of the individual's violation of a workplace drug policy or intoxication by marijuana *or marijuana products* while working;

(d) *prohibit an employer from including in any contract a provision prohibiting the use of marijuana for a debilitating medical condition; or*

(e) *permit a cause of action against an employer for wrongful discharge pursuant to 39-2-904 or discrimination pursuant to 49-1-102.*

~~(3)(5)~~ Nothing in this chapter may be construed to prohibit a person from prohibiting or otherwise regulating the consumption, cultivation, distribution, processing, sale, or display of marijuana, ~~marijuana-infused marijuana products~~, and marijuana paraphernalia on private property the person owns, leases, occupies, or manages; ~~except that a lease agreement executed after January 1, 2021, may not prohibit a tenant from lawfully possessing and consuming marijuana by means other than smoking unless required by federal law or to obtain federal funding, except that a lease agreement executed~~

after January 1, 2021, may not prohibit a tenant from lawfully possessing and consuming marijuana by means other than smoking unless required by federal law or to obtain federal funding.

(4) ~~Nothing in this chapter limits the rights, privileges, immunities, or defenses provided under Title 50, chapter 46, part 3.~~

~~(5)(6) An adult-use provider or adult-use marijuana-infused products provider A licensee who violates 15-64-103 or 15-64-104 or fails to pay any other taxes owed to the department under Title 15, is subject to revocation of the person's license from the date of the violation until a period of up to 1 year after the department of revenue certifies compliance with 15-64-103 or 15-64-104.~~

(7) *Unless specifically exempted by this chapter, the provisions of Title 45, chapter 9, apply to the conduct of consumers, licensees, and registered cardholders."*

Section 44. Section 16-12-109, MCA, is amended to read:

"16-12-109. (Effective ~~October 1, 2021~~ January 1, 2022) Unlawful conduct by licensees – penalties. (1) *If the department has reasonable cause to believe that a licensee has violated a provision of this chapter or a rule of the department, it may, in its discretion and in addition to any other penalties prescribed:*

- (a) *reprimand a licensee;*
- (b) *revoke the license of the licensee;*
- (c) *suspend the license for a period of not more than 3 months;*
- (d) *refuse to grant a renewal of the license after its expiration; or*
- (e) *impose a civil penalty not to exceed \$3,000.*

(2) *The department shall consider mitigating circumstances and may adjust penalties within penalty ranges based on its consideration of mitigating circumstances. Examples of mitigating circumstances are:*

- (a) *compliance with the provisions of this chapter within the prior 3 years;*
- (b) *the licensee has made good faith efforts to prevent a violation; or*
- (c) *the licensee has cooperated in the investigation of the violation and the licensee or an employee or agent of the licensee accepts responsibility.*

(3) *The department shall consider aggravating circumstances and may adjust penalties within penalty ranges based on its consideration of aggravating circumstances. Examples of aggravating circumstances are:*

- (a) *prior warnings about compliance problems;*
- (b) *prior violations of the provisions of this chapter within the past 3 years;*
- (c) *lack of written policies governing employee conduct;*
- (d) *additional violations revealed during the course of the investigation;*
- (e) *efforts to conceal a violation;*
- (f) *intentional violations; or*
- (g) *involvement of more than one patron or employee in a violation.*

(4) *For each licensing program regulated by the department under this chapter, the department is designated as a criminal justice agency within the meaning of 44-5-103 for the purpose of obtaining confidential criminal justice information regarding licensees and license applicants and regarding possible unlicensed practice.*

~~(4)(5)~~ (5) *The department shall revoke and may not reissue a license or endorsement belonging to an individual who a person:*

- (a) *whose controlling beneficial owner is an individual convicted of a felony drug offense;*
- (b) *who allows another individual person not authorized or lawfully allowed to be in possession of the individual's license; or*

(c) ~~fails to cooperate with the department concerning an investigation or inspection if the individual is licensed and cultivating marijuana, engaging in manufacturing, or manufacturing marijuana-infused products.~~

(c) *who transports marijuana or marijuana products outside of Montana, unless otherwise allowed by federal law;*

(d) *who operates a carbon dioxide or hydrocarbon extraction system without obtaining a manufacturing license;*

(e) *who purchases marijuana from an unauthorized source in violation of this chapter; or*

(f) *who sells, distributes, or transfers marijuana or marijuana products to a person the licensee knows or should know is under 21 years of age.*

(2) ~~The department shall revoke a license issued under this chapter if the licensee:~~

(a) ~~purchases marijuana from an unauthorized source in violation of this chapter;~~

(b) ~~sells marijuana, marijuana concentrate, or marijuana-infused products to a person the licensee knows or should know is under 21 years of age;~~

(c) ~~operates a carbon dioxide or hydrocarbon extraction system without obtaining a manufacturing endorsement; or~~

(d) ~~transports marijuana or marijuana-infused products outside of Montana, unless allowed by federal law.~~

(3) ~~A licensee who violates the advertising restrictions imposed under 16-12-211 is subject to:~~

(a) ~~a written warning for the first violation;~~

(b) ~~a 5-day license suspension or a \$500 fine for a second violation;~~

(c) ~~a 5-day license suspension or a \$1,000 fine for a third violation;~~

(d) ~~a 30-day license suspension or a \$2,500 fine for a fourth violation; and~~

(e) ~~a license revocation for a fifth violation.~~

(4) ~~Except for the license revocations required under this section, a licensee shall choose whether to pay a fine or be subject to a license suspension when a penalty is imposed under this section.~~

(5)(6) ~~A licensee whose license is revoked may not reapply for licensure for 3 years from the date of the revocation.~~

(6) ~~If no other penalty is specified under this chapter, an adult-use provider or adult-use marijuana-infused products provider who violates this chapter is punishable by a civil fine not to exceed \$500, unless otherwise provided in this chapter or unless the violation would constitute a violation of Title 45. An offense constituting a violation of Title 45 must be charged and prosecuted pursuant to the provisions of Title 45.~~

(7) ~~Review of a department action imposing a fine, suspension, or revocation under this chapter must be conducted as a contested case hearing before the department's office of dispute resolution under the provisions of the Montana Administrative Procedure Act.~~

(a) *A person may appeal any decision of the department concerning the issuance, rejection, suspension, or revocation of a license provided for by this chapter to the district court in the county in which the person operates or proposes to operate. If a person operates or seeks to operate in more than one county, the person may seek judicial review in the district court with jurisdiction over actions arising in any of the counties where it operates or seeks to operate.*

(b) *An appeal pursuant to subsection (7)(a) shall be made by filing a complaint setting forth the grounds for relief and the nature of relief demanded with the district court within 30 days following receipt of notice of the department's final decision."*

Section 45. Section 16-12-110, MCA, is amended to read:

“16-12-110. (Effective October 1, 2021 January 1, 2022) Legislative monitoring. (1) The ~~revenue interim~~ *economic affairs* committee shall provide oversight of the department’s activities pursuant to this chapter, including but not limited to monitoring of:

- (a) the number of licensees;
- (b) issues related to the cultivation, manufacture, sale, testing, and use of marijuana; and
- (c) the development, implementation, and use of the seed-to-sale tracking system established in accordance with 16-12-105.

(2) The ~~revenue~~ *economic affairs* interim committee shall identify issues likely to require future legislative attention and develop legislation to present to the next regular session of the legislature.

(3) (a) The department shall periodically report to the ~~revenue~~ *economic affairs* interim committee and submit a report to the legislative clearinghouse, as provided in 5-11-210, on persons who are licensed or registered pursuant to 16-12-203. The report must include:

- (i) the number of ~~adult-use providers, adult-use marijuana-infused products providers, cultivators, manufacturers, and adult-use dispensaries~~ licensed pursuant to this chapter;
- (ii) the number of ~~endorsements approved for manufacturing and type of violations committed by licensees;~~
- (iii) the number of licenses revoked; and
- (iv) the amount of marijuana *and marijuana products* cultivated and sold pursuant to this chapter.

(b) The report may not provide any identifying information of ~~adult-use providers, adult-use marijuana-infused products providers, or adult-use cultivators, manufacturers, and dispensaries~~ *except basic geographic or other statistical information.*

(4) The report on inspections required under 16-12-210 must include, at a minimum, the following information for both announced and unannounced inspections:

- (a) the number of inspections conducted, by canopy licensure tier;
- (b) the number of ~~adult-use providers or adult-use marijuana-infused products providers~~ *licensees* that were inspected more than once during the year;
- (c) the number of inspections that were conducted because of complaints made to the department; and
- (d) the types of enforcement actions taken as a result of the inspections.

~~(5) The reports provided for in this section must also be provided to the transportation interim committee provided for in 5-5-233.”~~

Section 46. Section 16-12-111, MCA, is amended to read:

“16-12-111. (Effective October 1, 2021) Marijuana compensation state special revenue account – operating reserve – transfer of excess funds. (1) There is a dedicated marijuana compensation state special revenue account within the state special revenue fund established in 17-2-102, to be administered by the department.

- (2) *The account consists of:*
 - (a) *money deposited into the account pursuant to this chapter;*
 - (b) *the taxes collected pursuant to Title 15, chapter 64, part 1;*
 - (c) *license and registered cardholder fees deposited into the account pursuant to this chapter;*
 - (d) *taxes deposited into the account pursuant to [section 95]; and*
 - (e) *civil penalties collected under this chapter.*

(3) Except as provided in subsection (4), money in the account must be used by the department for the purpose of administering the provisions of this chapter.

(4) At the end of each fiscal year, the department shall transfer funds in excess of a 3-month operating reserve necessary to fund operating costs at the beginning of the next fiscal year in the following order:

(a) an amount not to exceed \$6 million must be transferred to the marijuana healing and ending addiction through recovery and treatment (HEART) fund account established in 17-6-606 [section 100];

(b) the net balance remaining after distribution to the HEART fund account must be distributed as follows:

(i) 20% to the credit of the department of fish, wildlife, and parks to be used solely as funding for wildlife habitat in the same manner as funding generated under 87-1-242(3) and used pursuant to 87-1-209;

(ii) 4% to the state park account established in 23-1-105(1);

(iii) 4% to the trails and recreational facilities account established in 23-2-108;

(iv) 4% to the nongame wildlife account established in 87-5-121;

(v) 3% or \$200,000, whichever is less, to the veterans and surviving spouses state special revenue account provided for in [section 93];

(vi) for the biennium beginning July 1, 2021, \$300,000 to the department of justice to administer grant funding to local and state law enforcement agencies for the purpose of purchasing and training drug-detection canines and canine handlers, including canines owned by local law enforcement agencies to replace canines who were trained to detect marijuana;

(vii) \$150,000 to the board of crime control to fund crisis intervention team training as provided in 44-7-110; and

(viii) the remainder to the general fund.

(2) ~~Marijuana sales taxes collected under the provisions of part 4 of this chapter must, in accordance with the provisions of 17-2-124, be deposited into the account along with any interest and income earned on the account.~~

(3) ~~Funds deposited into the account must be transferred in the following amounts to provide funding as set out below:~~

(a) ~~4.125% of the funds to be deposited into the nongame wildlife account established in 87-5-121;~~

(b) ~~4.125% of the funds to be deposited into the state park account established in 23-1-105(1);~~

(c) ~~4.125% of the funds to be deposited into the trails and recreational facilities account established in 23-2-108;~~

(d) ~~37.125% of the funds to be deposited to the credit of the department of fish, wildlife, and parks to be used solely as funding for wildlife habitat in the same manner as funding generated under 87-1-242(3) and used pursuant to 87-1-209;~~

(e) ~~10.5% to the state general fund; and~~

(f) ~~the remainder in the subaccounts provided for in this subsection (3)(f). There are subaccounts in the marijuana compensation special revenue account established by subsection (1). Funding deposited into this account under subsection (2) is further deposited into subaccounts to be used only as follows:~~

(i) ~~10% of the funds to be deposited into a subaccount to be administered by the department of public health and human services to provide grants to existing agencies and not-for-profit organizations, whether government or community-based, to increase access to evidence-based low-barrier drug addiction treatment, prioritizing medically proven treatment and overdose prevention and reversal methods and public or private treatment options~~

with an emphasis on reintegrating recipients into their local communities, to support overdose prevention education, and to support job placement, housing, and counseling for those with substance use disorders;

(ii) 10% of the funds to be deposited into a subaccount to be administered by the department of commerce for distribution to the local government representing the locality where the retail sales occurred;

(iii) 10% of the funds to be deposited into a subaccount to be administered by the veterans' affairs division of the department of military affairs to provide services and assistance for all Montana veterans and surviving spouses and dependents; and

(iv) 10% of the funds to be deposited into a subaccount to be administered by the Montana department of public health and human services to administer medicaid rate increases that provide for a wage increase to health care workers who provide direct medicaid-funded home and community health services for elderly and disabled persons.

(4) (a) Funds transferred from the accounts and subaccounts provided in subsection (3) may be used only to increase revenue for the purposes specified and may not be used to supplant other sources of revenue used for these purposes.

(b) Funds deposited into the account provided in subsection (1) may be used only to increase revenue to each special revenue account or subaccount set forth in subsection (3) and may not be used to supplant other sources of revenue for these purposes."

Section 47. Section 16-12-112, MCA, is amended to read:

"16-12-112. (Effective October 1, 2021 January 1, 2022) Rulemaking authority – fees. (1) The department may adopt rules to implement and administer this chapter, including:

(a) the manner in which the department will consider applications for licenses, *permits*, and endorsements and renewal of licenses, *permits*, and endorsements;

(b) the acceptable forms of proof of Montana residency;

(c) the procedures for obtaining fingerprints for the fingerprint-based and name-based background checks required under ~~16-12-203~~ [section 2];

(d) the security and operating requirements for ~~adult-use dispensaries~~ *licensees*;

(e) the security and operating requirements for manufacturing, including but not limited to requirements for:

(i) safety equipment;

(ii) extraction methods, including solvent-based and solvent-free extraction; and

(iii) post-processing procedures;

(f) notice and contested case hearing procedures for fines or license and endorsement revocations, suspensions, or modifications;

(g) implementation of a system to allow the tracking of marijuana and ~~marijuana-infused~~ *marijuana* products as required by 16-12-105;

(h) labeling *and packaging* standards that protect public health by requiring the listing of pharmacologically active ingredients, including, but not limited to, ~~tetrahydrocannabinol (THC)~~ *THC*, cannabidiol (CBD) and other cannabinoid content, the THC and other cannabinoid amount in milligrams per serving, the number of servings per package, and quantity limits per sale to comply with the allowable possession amount;

(i) *investigating and making rules to limit, if necessary, the appropriate THC potency percentages for marijuana and marijuana products;*

(j) requirements that packaging and labels may not be made to be attractive to children, required warning labels as set forth in [section 109], and that marijuana and ~~marijuana-infused~~ *marijuana* products be sold in resealable, child-resistant ~~exit~~ packaging to protect public health as provided in 16-12-208;

(k) requirements and standards for the testing and retesting of marijuana and ~~marijuana-infused~~ *marijuana* products, including testing of samples collected during the department's inspections of ~~registered~~ *licensed* premises;

(l) the amount of variance allowable in the results of raw testing data that would warrant a departmental investigation of inconsistent results as provided in 16-12-202;

(m) requirements and standards to prohibit or limit marijuana, ~~marijuana-infused~~ *marijuana* products, and marijuana accessories that are unsafe or contaminated;

(n) the activities that constitute advertising in violation of 16-12-211;

(o) requirements and incentives to promote renewable energy, reduce water usage, and reduce packaging waste to maintain a clean and healthy environment in Montana;

(p) *procedures for collecting and destroying samples of marijuana and marijuana products that fail to meet testing requirements pursuant to 16-12-209; and*

(q) ~~the fees for endorsements for manufacturing, testing laboratories, additional canopy licensure tiers created in accordance with 16-12-105, and the fingerprint-based and name-based background checks required under 16-12-203 [section 2], employee certification, the marijuana transporter license, marijuana worker permits, and other fees necessary to administer and enforce the provisions of this chapter. The fees and other revenue collected through the taxes paid under 16-12-401 established by the department, taxes collected pursuant to Title 15, chapter 64, part 1, civil penalties imposed pursuant to this chapter, and the licensing fees established by rule and in 16-12-201 part 2 of this chapter must be sufficient to offset the expenses of administering this chapter but may not exceed the amount necessary to cover the costs to the department of implementing and enforcing this chapter.~~

(2) The department may not adopt any rule or regulation that is unduly burdensome or undermines the purposes of this chapter.

(3) The department may consult or contract with other public agencies in carrying out its duties under this chapter."

Section 48. Section 16-12-113, MCA, is amended to read:

"16-12-113. Decriminalized acts – petition for expungement or resentencing – retroactive application. (1) A person currently serving a sentence for an act that is permitted under this chapter or is punishable by a lesser sentence under this chapter than the person was awarded may petition for an expungement of the conviction or resentencing.

(2) Upon receiving a petition under subsection (1), the *expungement or resentencing of marijuana conviction court, as provided in [sections 101 through 103]*, shall presume the petitioner satisfies the criteria in subsection (1) unless the county attorney ~~proves by clear and convincing evidence that provides the court with a reasonable basis on which the petitioner does not~~ satisfy the criteria. If the petitioner satisfies the criteria in subsection (1), the court shall grant the petition unless the court determines that granting the petition would pose an unreasonable risk of danger to public safety.

(3) A person who is serving a sentence and is resentenced pursuant to subsection (1) must be given credit for any time already served and may not be subject to supervision.

(4) Resentencing under this section may not result in the imposition of a term longer than the original sentence or the reinstatement of charges dismissed pursuant to a negotiated plea agreement.

(5) (a) A person who has completed a sentence for an act that is permitted under this chapter or is punishable by a lesser sentence under this chapter than the person was awarded may petition the sentencing court to:

(i) expunge the conviction; or

(ii) redesignate the conviction as a misdemeanor or civil infraction in accordance with this chapter.

(b) The petition must be served on the county attorney for the county where the petition is filed.

(6) Upon receiving a petition under subsection (5), the court shall presume the petitioner satisfies the criteria in subsection (5) unless the county attorney ~~proves by clear and convincing evidence that provides the court with a reasonable basis on which~~ the petitioner does not satisfy the criteria. Once the applicant satisfies the criteria in subsection (5), the court shall redesignate the conviction as a misdemeanor or civil infraction or expunge the conviction as legally invalid pursuant to this chapter.

(7) Unless requested by the applicant, no hearing is necessary to grant or deny an application filed under subsection (5).

(8) Any felony conviction that is recalled under subsection (1) or designated as a misdemeanor or civil infraction under subsection (5) must be considered a misdemeanor or civil infraction for all purposes. Any misdemeanor conviction that is recalled and resentenced under subsection (1) or designated as a civil infraction under subsection (5) must be considered a civil infraction for all purposes.

(9) Nothing in this section constitutes a waiver of any right or remedy otherwise available to the petitioner or applicant.

(10) Nothing in this chapter is intended to impact the finality of judgment in any case not falling within the purview of this chapter.

(11) The provisions of this section apply equally to juvenile cases if the juvenile would not have been guilty of an offense or would have been guilty of a lesser offense under this chapter.

(12) *Petitioning for expungement or resentencing pursuant to this section does not make a person ineligible to petition for misdemeanor expungement pursuant to Title 46, chapter 18, part 11.*

Section 49. Section 16-12-201, MCA, is amended to read:

~~“16-12-201. (Effective October 1, 2021~~ *Effective January 1, 2022)*

~~Licensing of providers, marijuana-infused products providers, and dispensaries for adult use cultivators, manufacturers, and dispensaries.~~
~~No later than October 1, 2021, the department shall promulgate rules and regulations to administer and enforce this chapter and shall begin accepting applications for and issuing licenses. The rules may not be unduly burdensome. For the first 12 months after the department begins to receive applications, (1)(a) Between January 1, 2022, and June 30, 2023, the department shall may only accept applications from and issue licenses to providers, marijuana-infused products providers, and dispensaries licensed under Title 50, chapter 46, part 3, that are former medical marijuana licensees that were licensed by or had an application pending with the department of public health and human services on November 3, 2020, and are in good standing with the department of public health and human services and in compliance with this chapter, and rules~~

adopted by the department, and any applicable local regulations or ordinances as of [the effective date of this section].

(b) The department shall begin accepting applications for and issuing licenses to cultivate, manufacture, or sell marijuana or marijuana products to applicants who are not former medical marijuana licensees under subsection (1)(a) on or after July 1, 2023.

(2) (a) The department shall adopt rules to govern the operation of former medical marijuana licensees and facilitate the process of transitioning former medical marijuana licensees to the appropriate license under this chapter with a minimum of disruption to business operations.

(b) Beginning on January 1, 2022, a former medical marijuana licensee may sell marijuana and marijuana products to registered cardholders at the medical tax rate set forth in 15-64-102 and to consumers at the adult-use marijuana tax rate set forth in 15-64-102 under the licensee's existing license in a jurisdiction that allows for the operation of marijuana businesses pursuant to 16-12-301 until the former medical marijuana licensee's next license renewal date, by which time the former medical licensee must have applied for and obtained the appropriate licensure under this chapter to continue operations, unless an extension of time is granted by the department.

(c) (i) Except as provided in subsection (2)(c)(ii), for the purpose of this subsection (2), "appropriate licensure" means a cultivator license, medical marijuana dispensary license, adult-use dispensary license, and, if applicable, a manufacturer license.

(ii) A former medical marijuana licensee who sells marijuana and marijuana products exclusively to registered cardholders is not required to obtain an adult-use dispensary license.

(3) The department may amend or issue licenses to provide for staggered expiration dates. The department may provide for initial license terms of greater than 12 months but no more than 23 months in adopting staggered expiration dates. Thereafter, licenses expire annually. License fees for the license term implementing staggered license terms may be prorated by the department."

Section 50. Section 16-12-202, MCA, is amended to read:

"16-12-202. (Effective October 1, 2021 January 1, 2022) Testing laboratories -- licensing -- inspection -- dual licensure -- state laboratory responsibility. (1) (a) A person who obtains a testing laboratory license or is an employee of a licensed testing laboratory is authorized to possess and test marijuana as allowed by this chapter.

(b) A person who is a controlling beneficial owner of a testing laboratory or holds a financial interest in a licensed testing laboratory may not be a controlling beneficial owner or have a financial interest in any entity involved in the cultivation, manufacture, or sale of marijuana or marijuana products for whom testing services are performed.

~~(1)(2)~~ (a) The state laboratory shall license endorse a testing laboratories laboratory to perform the testing required under 16-12-206 and 16-12-209 before a testing laboratory may apply for licensure or renewal with the department.

(b) (i) The state laboratory shall inspect a testing laboratory before ~~issuing or renewing a license endorsing a testing laboratory for licensure or renewal~~ and may not ~~issue or renew a license endorse a testing laboratory for licensure or renewal~~ if the applicant does not meet the requirements of 16-12-206 and this section.

(ii) The state laboratory may not issue a temporary license while an inspection is pending.

~~(iii) Inspections conducted under this section must include the review provided for in 50-46-311(1)(b).~~

(3) *An inspection conducted for licensure or renewal of a license must include a review of an applicant's or testing laboratory's:*

- (a) *physical premises where testing will be conducted;*
- (b) *instrumentation;*
- (c) *protocols for sampling, handling, testing, reporting, security and storage, and waste disposal;*
- (d) *raw data on tests conducted by the laboratory, if the inspection is for renewal of a license; and*
- (e) *vehicles used for transporting marijuana or marijuana product samples for testing purposes.*

(4) *Upon receiving an endorsement from the state laboratory for licensure or annual renewal, a testing laboratory must apply for licensure, or renewal, with the department by submitting to the department:*

- (a) *the information required by 16-12-203; and*
- (b) *a fee that the department shall establish by rule.*

~~(2)(5)~~ The state laboratory shall:

~~(a) use the criteria established under 50-46-311 in evaluating and approving licenses issued under this section;~~

~~(b) use the criteria established under 50-46-304(6) to establish and enforce standard operating procedures and testing standards for testing laboratories to ensure that consumers receive consistent and uniform information about the potency and quality of the marijuana and marijuana-infused products they receive; and~~

~~(c) investigate inconsistent test results using the procedure provided for in 50-46-304(7).~~

(a) *measure the tetrahydrocannabinol, tetrahydrocannabinolic acid, cannabidiol, and cannabidiolic acid content of marijuana and marijuana products;*

(b) *test marijuana and marijuana products for pesticides, solvents, moisture levels, mold, mildew, and other contaminants; and*

(c) *establish and enforce standard operating procedures and testing standards for testing laboratories to ensure that consumers and registered cardholders receive consistent and uniform information about the potency and quality of the marijuana and marijuana products they receive. The state laboratory shall:*

(i) *consult with independent national or international organizations that establish testing standards for marijuana and marijuana products;*

(ii) *require testing laboratories to follow uniform standards and protocols for the samples accepted for testing and the processes used for testing the samples; and*

(iii) *track and analyze the raw data for the results of testing conducted by testing laboratories to ensure that the testing laboratories are providing consistent and uniform results.*

(6) *The department may retain the services of the analytical laboratory provided by the department of agriculture pursuant to 80-1-104 for the testing contemplated in this section.*

~~(3)(7)~~ If an analysis of raw testing data indicates that licensees are providing test results that vary among testing laboratories by an amount determined by the state laboratory by rule, the department shall investigate the inconsistent results and determine within 60 days the steps the testing laboratories must take to ensure that each testing laboratory provides accurate and consistent results.

~~(4)(8)~~ If the analysis of raw testing data indicates a testing laboratory may be providing inconsistent results, the state laboratory ~~shall~~ *may* suspend

the testing laboratory's license ~~until additional testing determines whether the results are consistent. A suspension must be based on rules adopted by the state laboratory.~~

(5)(9) The ~~state laboratory department~~ shall revoke a testing laboratory's license upon a determination that the laboratory is:

- (a) providing test results that are fraudulent *or misleading*; or
- (b) providing test results without having:

(i) the equipment needed to test marijuana, marijuana concentrates, or ~~marijuana-infused marijuana~~ products; or

(ii) the equipment required under this chapter to conduct the tests for which the laboratory is providing results.

(6)(10) A revocation under this section is subject to judicial review.

~~(7) The state laboratory:~~

~~(a) may license a testing laboratory to perform both the testing required under this chapter and under Title 50, chapter 46; and~~

~~(b) shall use the same administrative rules for testing laboratories licensed under this chapter and under Title 50, chapter 46."~~

Section 51. Section 16-12-203, MCA, is amended to read:

"16-12-203. (Effective ~~October 1, 2021~~ January 1, 2022) Provider Licensing types – requirements – limitations – activities. (1) (a) Subject to subsections (1)(b) and ~~subsection (3) and this subsection (1)~~, the department shall issue a license to or renew a license for a person who is applying to be ~~an adult-use provider or adult-use marijuana-infused products provider a cultivator, manufacturer, medical-marijuana dispensary, adult-use dispensary, or testing laboratory~~ if the person submits to the department:

(i) the person's name, date of birth, and street address on a form prescribed by the department;

(ii) proof that the *natural person having day-to-day operational control over the business* is a Montana resident;

~~(iii) fingerprints meeting the requirements for a fingerprint-based background check by the department of justice and the federal bureau of investigation;~~

~~(A) with the application for initial licensure; and~~

~~(B) every 3 years thereafter;~~

~~(iv)~~(iii) a statement, on a form prescribed by the department, that the person:

(A) will not divert to any other person the marijuana that the person cultivates or the ~~marijuana-infused marijuana~~ products that the person manufactures for consumers or *registered cardholders*, unless the marijuana or ~~marijuana-infused marijuana~~ products are sold to another ~~adult-use provider or licensee~~ as part of a sale of a business as allowed under this section; and

(B) *has no pending citations for violations occurring under this chapter or the marijuana laws of any other state or jurisdiction;*

~~(v)~~(iv) the street address of the location at which marijuana, marijuana concentrates, or ~~marijuana-infused marijuana~~ products will be cultivated, or manufactured, *sold, or tested*; and

~~(vi) a fee as determined by the department not to exceed the costs of required background checks and associated administrative costs of processing the license;~~

(v) *proof that the applicant has source of funding from a suitable source. A lender or other source of money or credit may be found unsuitable if the source:*

- (A) *is a person whose prior financial or other activities or criminal record:*
- (B) *poses a threat to the public interest of the state;*

(C) poses a threat to the effective regulation and control of marijuana and marijuana products; or

(D) creates a danger of illegal practices, methods, or activities in the conduct of the licensed business.

(b) If the person to be licensed consists of more than one individual, the names of all owners must be submitted along with the fingerprints and date of birth of each owner having at least a 5% controlling beneficial ownership interest.

(c) Nonindividuals who apply for the issuance of a marijuana business license shall disclose to the department the following:

(i) a complete and accurate organizational chart of the marijuana business disclosing the identity and ownership percentages of its controlling beneficial owners;

(ii) whether the applicant has ever filed for bankruptcy;

(iii) whether the applicant has ever been a party to a lawsuit, either as a plaintiff or defendant;

(iv) any financial interests held by the applicant in another marijuana business in any state;

(v) if the controlling beneficial owner is a publicly traded corporation, the controlling beneficial owners' managers and any beneficial owners that directly or indirectly beneficially own 5% or more of the owner's interest in the controlling beneficial owner;

(vi) if the controlling beneficial owner is not a publicly traded corporation, the controlling beneficial owner's managers and any beneficial owners that directly or indirectly beneficially own 5% or more of the owner's interest in the controlling beneficial owner;

(vii) if the controlling beneficial owner is a natural person, the natural person's identifying information;

(viii) a person that is both a passive beneficial owner and a financial interest holder in the marijuana business; and

(ix) any financial interest holder that holds two or more financial interests in the marijuana business or that is contributing over 50% of the operating capital of the marijuana business.

(d) The department may request that the marijuana business disclose each beneficial owner and affiliate of an applicant, or marijuana business, or controlling beneficial owner that is not a publicly traded corporation.

(e) An applicant or marijuana business that is not a publicly traded corporation shall affirm under penalty of perjury that it exercised reasonable care to confirm that its passive beneficial owners, financial interest holders, and qualified institutional investors are not persons prohibited pursuant to this section, or otherwise restricted from holding an interest under this chapter. An applicant's or marijuana business's failure to exercise reasonable care is a basis for denial, fine, suspension, revocation, or other sanction by the department.

(f) An applicant or marijuana business that is a publicly traded corporation shall affirm under penalty of perjury that it exercised reasonable care to confirm that its passive beneficial owners, financial interest holders, and qualified institutional investors are not persons prohibited pursuant to this section, or otherwise restricted from holding an interest under this chapter. An applicant's or marijuana business's failure to exercise reasonable care is a basis for denial, fine, suspension, revocation, or other sanction by the department.

(g) This section does not restrict the department's ability to reasonably request information or records at renewal or as part of any other investigation following initial licensure of a marijuana business.

(2) The department shall conduct:

(a) ~~a fingerprint-based background check in association with an application for initial licensure and every 3 years thereafter; and~~

(b) ~~a name-based background check in association with an application for initial licensure and each year thereafter except years that an applicant is required to submit fingerprints for a fingerprint-based background check.~~

(3)(2) The department may not license a person under this chapter if the person or an owner, *including a person with a financial interest*:

(a) ~~has a felony conviction involving fraud, deceit, or embezzlement or for distribution of drugs to a minor within the past 5 years and, after an investigation, the department finds that the applicant has not been sufficiently rehabilitated as to warrant the public trust;~~

(b) ~~is in the custody of the department of corrections or a youth court;~~

(c) ~~has been convicted of a violation under 16-12-302;~~

(d) ~~has resided in Montana for less than 1 year; or~~

(e) ~~is under 18 years of age.~~

(a) *has a felony conviction or a conviction for a drug offense, including but not limited to, a conviction for a violation of any marijuana law in any other state within the past 5 years and, after an investigation, the department finds that the applicant has not been sufficiently rehabilitated as to warrant the public trust;*

(b) *is in the custody of or under the supervision of the department of corrections or a youth court;*

(c) *has been convicted of a violation under [section 19] or of making a fraudulent representation under the former medical marijuana program administered by the department of public health and human services;*

(d) *is under 21 years of age;*

(e) *has failed to:*

(i) *pay any taxes, interest, penalties, or judgments due to a government agency;*

(ii) *comply with any provisions of Title 15 or Title 16, including the failure to file any tax return or report;*

(iii) *stay out of default on a government-issued student loan;*

(iv) *pay child support; or*

(v) *remedy an outstanding delinquency for child support or for taxes or judgments owed to a government agency; or*

(f) *has had a license issued under this chapter or a former medical marijuana license revoked within 3 years of the date of the application; or*

(g) *has resided in Montana for less than 1 year.*

(4)(3) Marijuana for use pursuant to this chapter must be cultivated and manufactured in Montana ~~until unless~~ federal law *otherwise* allows for the interstate distribution of marijuana.

(5)(4) Except as provided in 16-12-209, ~~an adult-use provider or adult-use marijuana-infused products provider a cultivator, manufacturer, medical marijuana dispensary, or adult-use dispensary shall:~~

(a) ~~prior to selling marijuana or marijuana-infused marijuana products, submit samples to a testing laboratories laboratory pursuant to this chapter and administrative rules;~~

(b) ~~allow the department to collect samples of marijuana or marijuana-infused marijuana products during inspections of registered licensed premises for testing as provided by the department by rule; and~~

(c) ~~participate as required by the department by rule in a seed-to-sale tracking system established by the department pursuant to 16-12-105; and~~

~~(d) obtain the license from the department of agriculture if required by 80-7-106 for the adult-use provider or adult-use marijuana-infused products provider that sells live plants as part of a sale of the adult-use provider's business. An adult-use provider or adult-use marijuana-infused products provider required to obtain a nursery license is subject to the inspection requirements of 80-7-108.~~

~~(6)(5) (a) Except as provided in 16-12-205, a person licensed under this section may cultivate marijuana and manufacture marijuana-infused marijuana products for use by consumers or registered cardholders only at one of the following locations:~~

~~(i) a property that is owned by the adult-use provider or adult-use marijuana-infused products provider licensee; or~~

~~(ii) with written permission of the property owner filed with the department when applying for, or renewing a license, a property that is rented or leased by the adult-use provider or adult-use marijuana-infused products provider licensee.~~

~~(b) Except as provided in 16-12-205, no portion of the property used for cultivation of marijuana or manufacture of marijuana-infused marijuana products or marijuana concentrate may be shared with or rented or leased to another adult-use provider, adult-use marijuana-infused products provider, or testing laboratory licensee.~~

~~(c) Marijuana or marijuana products may not be consumed on the premises of any licensed premises~~

~~(7) A licensed adult-use provider or adult-use marijuana-infused products provider may:~~

~~(a)(6) A cultivator licensed under this chapter in accordance with licensing requirements set forth in this chapter and rules adopted by the department:~~

~~(i)(a) may operate adult-use dispensaries; and~~

~~(ii)(b) may engage in manufacturing; and~~

~~(c) may not engage in outdoor cultivation of marijuana, except as provided in [section 4(6)].~~

~~(b) employ employees to cultivate marijuana, manufacture marijuana concentrates and marijuana-infused products, and dispense and transport marijuana and marijuana-infused products;~~

~~(c) provide a small amount of marijuana, marijuana concentrate, or marijuana-infused product cultivated or manufactured on the registered premises to a licensed testing laboratory or the department of agriculture;~~

~~(d) sell the adult-use provider's business, including live plants, inventory, material assets, and all licenses in accordance with rules adopted by the department; and~~

~~(e) hold a provider or marijuana-infused products provider license issued pursuant to Title 50, chapter 46, part 3.~~

~~(8) (a) Except as provided in subsection (8)(b), an adult-use provider or adult-use marijuana-infused products provider:~~

~~(i) shall sell marijuana the adult-use provider has cultivated or marijuana products derived from marijuana the adult-use marijuana-infused products provider has cultivated for at least 50% of the provider's total annual sales;~~

~~(ii) may sell marijuana or marijuana-infused products to another adult-use provider for subsequent resale for up to 50% of the adult-use provider's total annual sales;~~

~~(iii)(7) A cultivator or manufacturer:~~

~~(a) may contract or otherwise arrange for another party that is licensed to process the adult provider's or adult marijuana-infused products provider's marijuana into marijuana-infused products or marijuana concentrates and~~

~~return the marijuana-infused products or marijuana concentrates to the adult-use provider for sale a cultivator's or manufacturer's marijuana into marijuana products and return the marijuana products to the cultivator or manufacturer for sale; and~~

~~(iv)(b) except as allowed pursuant to 16-12-207, may not open a dispensary or allow for any on-site use before obtaining the required license or and before the department has completed the inspection required under this chapter unless permitted to do so pursuant to 16-12-207.~~

~~(b) The department may adjust the percentages set forth in subsection (8)(a) for an individual license holder based on unforeseen circumstances leading to the loss of plants or products."~~

Section 52. Section 16-12-204, MCA, is amended to read:

"16-12-204. (Effective October 1, 2021 January 1, 2022) Adult-use marijuana-infused products provider Manufacturer – requirements – limitations – fees. (1) A person licensed as an adult-use marijuana-infused products provider a manufacturer shall:

(a) prepare marijuana-infused marijuana products at a registered licensed premises exclusively; and

(b) use equipment that is used exclusively for the manufacture and preparation of marijuana-infused marijuana products.

~~(2) An adult-use marijuana-infused products provider:~~

~~(a) may cultivate marijuana only for the purpose of making marijuana-infused products; and~~

~~(b) may not provide a consumer with marijuana in a form that may be used for smoking unless the adult-use marijuana-infused products provider is also a licensed adult-use provider.~~

~~(3)(2) All registered licensed premises on which marijuana-infused marijuana products are manufactured must meet any applicable standards set by a local board of health for a retail food establishment as defined in 50-50-102.~~

~~(3) An applicant for a manufacturer license shall demonstrate that the local government approval provisions contained in 16-12-301 have been satisfied in the jurisdiction where each proposed manufacturing facility is located if a proposed facility would be located in a county in which the majority of voters voted against approval of Initiative Measure No. 190 in the November 3, 2020, general election.~~

~~(4) When evaluating an initial or renewal application, the department shall evaluate each proposed manufacturing facility for compliance with the provisions of 16-12-207 and 16-12-210.~~

~~(4)(5) Marijuana-infused Marijuana products may not be considered a food or drug for the purposes of Title 50, chapter 31.~~

~~(6) (a) The department shall charge a manufacturer license fee for an initial application and at each renewal. The license fee is based on the amount of concentrate produced at a manufacturing facility on a monthly basis. The annual fees for licensees are:~~

~~(i) \$5,000 for each manufacturing facility that produces, on a monthly basis, less than 1 pound of concentrate and up to 10 pounds of concentrate;~~

~~(ii) \$10,000 for each manufacturing facility that produces, on a monthly basis, between 10 pounds of concentrate and 15 pounds of concentrate; and~~

~~(iii) \$20,000 for each manufacturing facility that produces, on a monthly basis, 15 pounds or more of concentrate.~~

~~(b) The department may create additional fee levels as necessary.~~

~~(c) A manufacturer may apply to advance to the next licensing level in conjunction with a regular renewal application by demonstrating that its~~

proposed additional or expanded manufacturing facility or facilities are located in a jurisdiction where the local government approval provisions contained in 16-12-301 have been satisfied or that they are located in a county in which the majority of voters voted to approve Initiative Measure No. 190 in the November 3, 2020, general election.

(7) The department may adopt rules:

(a) for the inspection of proposed manufacturing facilities;
(b) for investigating the amount of concentrate produced at a manufacturing facility; and

(c) for investigating owners or applicants for a determination of beneficial ownership or financial interest.”

Section 53. Section 16-12-206, MCA, is amended to read:

“16-12-206. (Effective October 1, 2021 January 1, 2022) Testing laboratories -- licensing inspections. (1) A testing laboratory licensed pursuant to Title 50, chapter 46, part 3, shall ~~may~~:

~~(a) measure the tetrahydrocannabinol, tetrahydrocannabinolic acid, cannabidiol, and cannabidiolic acid content of marijuana and marijuana-infused marijuana products; and~~

~~(b) test marijuana and marijuana-infused marijuana products for pesticides, solvents, moisture levels, mold, mildew, and other contaminants. A testing laboratory may transport samples to be tested.~~

~~(2) The analytical laboratory services provided by the department of agriculture pursuant to 80-1-104 may be used for the testing provided for in this section.~~

~~(3) A person with a financial interest in a licensed testing laboratory may not have a financial interest in any entity involved in the cultivation of marijuana or manufacture of a marijuana-infused product or marijuana concentrate for whom testing services are performed.~~

~~(2) A licensed testing laboratory shall employ a scientific director who is responsible for ensuring the achievement and maintenance of quality standards of practice. A scientific director must have the following minimum qualifications:~~

~~(a) a doctorate in chemical or biological sciences from a college or university accredited by a national or regional certifying authority and a minimum of 2 years of postdegree laboratory experience; or~~

~~(b) a master's degree in chemical or biological sciences from a college or university accredited by a national or regional certifying authority and a minimum of 4 years of postdegree laboratory experience.~~

~~(3) All owners and employees of a testing laboratory shall submit fingerprints to the department to facilitate a fingerprint and background check as set forth in [section 2]. A testing laboratory may not be owned, operated, or staffed by a person who has been convicted of a felony offense.~~

~~(4) To qualify for licensure, a testing laboratory shall demonstrate that:~~

~~(a) staff members are proficient in operation of the laboratory equipment; and~~

~~(b) the laboratory:~~

~~(i) maintains the equipment and instrumentation required by rule;~~

~~(ii) has all equipment and instrumentation necessary to certify results that meet the quality assurance testing requirements established by rule, including the ability to certify results at the required level of sensitivity;~~

~~(iii) meets insurance and bonding requirements established by rule;~~

~~(iv) has the capacity and ability to serve rural areas of the state; and~~

~~(v) has passed a proficiency program approved by the state laboratory that demonstrates it is able to meet all testing requirements.~~

(4)(5) Except as provided in 16-12-209, a testing laboratory shall conduct tests of:

(a) samples of marijuana, ~~marijuana concentrate, and marijuana-infused products submitted by adult-use providers and adult-use marijuana-infused products providers and marijuana products submitted by cultivators and manufacturers~~ pursuant to 16-12-209 and related administrative rules prior to sale of the marijuana or ~~marijuana-infused marijuana~~ products;

(b) samples of marijuana or ~~marijuana-infused marijuana~~ products collected by the department during inspections of ~~registered licensed~~ premises; and

(c) samples submitted by consumers or *registered cardholders.*"

Section 54. Section 16-12-207, MCA, is amended to read:

"16-12-207. (Effective October 1, 2021 January 1, 2022) Licensing as privilege -- criteria. (1) ~~An adult-use provider license, adult-use marijuana-infused products provider license, adult-use dispensary license, or endorsement for manufacturing~~ A *cultivator license, manufacturer license, adult-use dispensary license, medical marijuana dispensary license, combined-use marijuana license, marijuana transporter license, or any other license authorized under this chapter* is a privilege that the state may grant to an applicant and is not a right to which an applicant is entitled. In making a licensing decision, the department shall consider:

(a) the qualifications of the applicant; and

(b) the suitability of the proposed ~~registered licensed~~ premises, *including but not limited to cultivation centers, dispensaries, and manufacturing facilities.*

(2) The department may deny or revoke a license based on proof that the applicant made a ~~knowing and material~~ false statement in any part of the original application or renewal application.

(3) ~~(a) The department may deny an adult-use provider license, adult-use marijuana-infused products provider license, adult-use dispensary license, or endorsement for manufacturing shall deny a cultivator license, manufacturer license, adult-use dispensary license, or medical marijuana license if the applicant's proposed registered licensed premises:~~

(i) is situated within a zone of a locality where an activity related to the use of marijuana conflicts with an ordinance, a certified copy of which has been filed with the department;:

~~(4) (a) The department may deny a license for an adult-use provider, adult-use marijuana-infused products provider, or adult-use dispensary or an endorsement for manufacturing if the applicant's proposed registered premises:~~

~~(i)(ii)~~ is not approved by local building, health, or fire officials *as provided for in this chapter*; or

~~(ii)(iii)~~ (A) *except as provided in subsection (3)(a)(iii)(B), is within 500 feet of and on the same street as a building used exclusively as a church, synagogue, or other place of worship or as a school or postsecondary school other than a commercially operated school, unless the locality allows for a reduced requires a greater distance. This distance must be measured in a straight line from the center of the nearest entrance of the place of worship or school to the nearest entrance of the licensee's premises.*

(B) *Subsection (3)(a)(iii)(A) does not apply if the application is for license renewal and the licensed premises was established before the church, synagogue, or other place of worship or school or postsecondary school existed on the same street.*

(b) For the purposes of this subsection ~~(4) (3)~~, "school" and "postsecondary school" have the meanings provided in 20-5-402.

~~(5) An adult-use provider, adult-use marijuana-infused products provider, or adult-use dispensary licensee may operate at a shared location with a provider, marijuana-infused products provider, or dispensary as defined in 50-46-302 if the provider, marijuana-infused products provider, or dispensary is owned by the same person.~~

~~(4) A licensee may not sell or otherwise transfer marijuana or marijuana products through a drive-up window, except that a dispensary may hand-deliver marijuana or marijuana products to a registered cardholder in a vehicle that is parked immediately outside the subject dispensary.~~

~~(5) A marijuana business may not dispense or otherwise sell marijuana or marijuana products from a vending machine or allow such a vending machine to be installed at the interior or exterior of the premises.~~

~~(6) A marijuana business may not utilize the United States postal service or an alternative carrier other than a licensed marijuana transporter to transport, distribute, ship, or otherwise deliver marijuana or marijuana products.~~

~~(7) A marijuana business may not provide free marijuana or marijuana products or offer samples of marijuana or marijuana products.~~

~~(8) Marijuana or a marijuana product may not be given as a prize, premium, or consideration for a lottery, contest, game of chance, game of skill, or competition of any kind.~~

~~(9) (a) Except as provided in subsection (9)(c), an adult-use dispensary or medical marijuana dispensary must have a single, secured entrance for patrons and shall implement strict security measures to deter and prevent the theft of marijuana and unauthorized entrance in accordance with department rule.~~

~~(b) Except as provided in subsection (9)(c), a marijuana business that is not an adult-use dispensary or medical marijuana dispensary must implement security measures in accordance with department rule to deter and prevent the theft of marijuana and unauthorized entrance.~~

~~(c) The provisions of this subsection (9) do not supersede any state or local requirements relating to minimum numbers of points of entry or exit, or any state or local requirements relating to fire safety.~~

~~(10) Each marijuana business shall install a video monitoring system that must, at a minimum:~~

~~(a) allow for the transmission and storage, by digital means, of a video feed that displays the interior and exterior of the cannabis establishment; and~~

~~(b) be capable of being recorded as prescribed by the department.~~

~~(11) An adult-use dispensary or medical marijuana dispensary may not operate between the hours of 8 p.m. and 9 a.m. daily.~~

~~(12) A person under 21 years of age is not permitted inside a marijuana business unless the person is a registered cardholder."~~

Section 55. Section 16-12-208, MCA, is amended to read:

"16-12-208. (Effective ~~October 1, 2021~~ January 1, 2022) Restrictions.

~~(1) An adult-use provider or adult-use marijuana-infused products provider A cultivator or manufacturer may not cultivate marijuana or manufacture marijuana concentrates or marijuana-infused products in a manner that is visible from the street or other public area without the use of binoculars, aircraft, or other optical aids.~~

~~(2) An adult-use provider or adult-use marijuana-infused products provider A cultivator or manufacturer may not cultivate, process, test, or store marijuana at any location other than the registered licensed premises approved by the department and within an enclosed area that is secured in a manner that prevents access by unauthorized persons.~~

~~(3) An adult-use provider or adult-use marijuana-infused products provider shall secure the provider's inventory and equipment during and after operating hours to deter and prevent theft of marijuana.~~

~~(4)(3) An adult-use provider or adult-use marijuana-infused products provider~~ A licensee shall make the registered licensed premises, books, and records available to the department for inspection and audit under 16-12-210 during normal business hours.

~~(5)(4) An adult-use provider or adult-use marijuana-infused products provider~~ A licensee may not allow a person under 18 years of age to volunteer or work for the licensee.

~~(6)(5) Edible marijuana-infused marijuana products manufactured as candy may not be sold in shapes or packages that are attractive to children or that are easily confused with commercially sold candy that does not contain marijuana.~~

~~(7)(6)~~ (a) Marijuana or ~~a marijuana-infused product~~ marijuana products must be sold or otherwise transferred in resealable, child-resistant exit packaging ~~that complies with federal child resistance standards and is designed to be significantly difficult for children under 5 years of age to open and not difficult for adults to use properly.~~

~~(b) Subsection (7)(a) does not apply to marijuana consumed on the premises where it is sold, if permitted by department rule.~~

~~(b)~~ (i) Packaging of individual products may contain only the following design elements and language on a white label:

~~(A) the seller's business name and any accompanying logo or design mark;~~

~~(B) the name of the product; and~~

~~(C) the THC content or CBD content, health warning messages as provided in [section 109], and ingredients.~~

~~(ii) All packaging and outward labeling, including business logos and design marks, must also comply with any standards or criteria established by the department, including but not limited to allowable symbols and imagery.~~

~~(8)(7) An adult-use provider or adult-use marijuana-infused products provider~~ An adult-use dispensary or medical marijuana dispensary may not sell or otherwise transfer tobacco hemp or alcohol from a registered licensed premises.

~~(8)~~ (a) Prior to selling, offering for sale, or transferring marijuana or marijuana product that is for ultimate sale to a consumer or registered cardholder, a licensee or license applicant shall submit both a package and a label application, in a form prescribed by the department, to receive approval from the department.

~~(b)~~ The initial submission shall be made electronically if required by the department. The licensee, license or applicant shall submit a physical prototype upon request by the department.

~~(c)~~ If a license applicant submits packages and labels for preapproval, final determination for packages and labels may not be made until the applicant has been issued a license.

~~(d)~~ A packaging and label application must include:

~~(i)~~ a fee provided for in rule by the department;

~~(ii)~~ documentation that all exit packaging has been certified as child-resistant by a federally qualified third-party child-resistant package testing firm;

~~(iii)~~ a picture or rendering of and description of the item to be placed in the each package; and

~~(iv)~~ for label applications for inhalable marijuana products that contain nonmarijuana additives:

(A) *the nonmarijuana additive's list of ingredients; and*

(B) *in a form and manner prescribed by the department, information regarding the additive or additives and the manufacturer of the additive or additives.*

(9) *For the purpose of this section, "exit packaging" means a sealed, child-resistant certified receptacle into which marijuana or marijuana products already within a container are placed at the retail point of sale."*

Section 56. Section 16-12-209, MCA, is amended to read:

"16-12-209. (Effective October 1, 2021 January 1, 2022) Testing of marijuana and marijuana-infused marijuana products. (1) ~~An adult-use provider or adult-use marijuana-infused products provider~~ A cultivator, manufacturer, adult-use dispensary, or medical marijuana dispensary may not sell marijuana or ~~marijuana-infused marijuana~~ products until the marijuana or *marijuana* products have been tested by a testing laboratory ~~or the department of agriculture~~ and meet the requirements of ~~50-46-326 this section~~. *The licensee shall pay for the testing.*

(2) ~~An adult-use provider or adult-use marijuana-infused products provider~~ A licensee shall submit material that has been collected in accordance with a sampling protocol established by the state laboratory by rule. The protocol must address the division of marijuana and ~~marijuana-infused marijuana~~ products into batch sizes for testing. ~~Each batch must be tested in the following categories:~~

(a) ~~flower;~~

(b) ~~concentrate; and~~

(c) ~~marijuana-infused product.~~

(3) ~~The state laboratory shall apply the same rules adopted pursuant to Title 50, chapter 46, part 3, regarding the types of tests, inspections, analysis, and certification that must be performed to ensure product safety and consumer protection to marijuana and marijuana products tested pursuant to this chapter~~ *adopt rules regarding the types of tests that must be performed to ensure product safety and consumer protection. Rules must include but are not limited to testing for:*

(a) *the potency of the cannabinoids present; and*

(b) *the presence of contaminants.*

(4) *The testing laboratory shall conduct a visual inspection of each batch to determine the presence of levels of foreign matter, debris, insects, and visible mold.*

(5) *The state laboratory shall establish by rule the acceptable levels of moisture, pesticides, residual solvents, mold, mildew, foreign matter, debris, insects, and other contaminants that marijuana products may contain.*

(6) *The testing laboratory shall:*

(a) *issue a certificate of analysis certifying the test results; and*

(b) *report the results to the seed-to-sale tracking system established pursuant to 16-12-105.*

~~(4)(7) An adult-use provider or adult-use marijuana-infused products provider~~ A licensee may request that material that has failed to pass the required tests be retested in accordance with the rules adopted by the state laboratory providing for retesting parameters and requirements.

~~(5)(8) Marijuana or a marijuana-infused marijuana product~~ must include a label indicating that the marijuana or ~~marijuana-infused marijuana~~ product has been tested.

(9) (a) *The department shall collect and, except as provided in subsection (9)(b), destroy samples of marijuana and marijuana products that fail to meet the acceptable levels to ensure product safety and consumer protection.*

(b) *If a sample fails due to THC levels in excess of the allowable limit and is not deficient in any other respect, the department may dispose of the sample by means other than destruction in accordance with rule.*

(c) *The department may contract for the duties under this subsection (9)."*

Section 57. Section 16-12-210, MCA, is amended to read:

"16-12-210. (Effective ~~October 1, 2021~~ January 1, 2022) Inspections – procedures – prohibition on inspector affiliation with licensees.

(1) (a) The department shall conduct unannounced inspections of ~~registered~~ *licensed* premises.

(b) *The department may not conduct more than two unannounced inspections of a licensed premises per year unless a citation has been issued to a licensee at the premises within the last 2 years or there is other just and reasonable cause.*

(2) (a) The department shall inspect annually each ~~registered~~ premises operated by a licensee.

(b) The department may collect samples during the inspection of a ~~registered licensed~~ premises and submit the samples to ~~all registered testing laboratories a testing laboratory or the state laboratory~~ for testing as provided by the department by rule.

(3) (a) ~~Each adult-use provider and adult-use marijuana-infused products provider licensee~~ shall keep a complete set of records necessary to show all transactions with consumers *and registered cardholders*. The records must be open for inspection by the department or state laboratory, as appropriate, and state or local law enforcement agencies ~~during normal business hours~~.

(b) Each testing laboratory shall keep:

(i) ~~a complete set of records necessary to show all transactions with adult-use providers and adult-use marijuana-infused products providers a licensee;~~ and

(ii) ~~all data, including instrument raw data, pertaining to the testing of marijuana and marijuana-infused marijuana products.~~

(c) The records and data required under this subsection (3) must be open for inspection by the department and state or local law enforcement agencies ~~during normal business hours~~.

(d) ~~The department may require an adult-use provider, adult-use marijuana-infused products provider, or testing laboratory a licensee to furnish information that the department considers necessary for the proper administration of this chapter.~~

(4) (a) ~~Registered~~ *Each licensed* premises, including any places of storage, where marijuana is cultivated, manufactured, sold, stored, or tested are subject to entry by the department or state or local law enforcement agencies for the purpose of inspection or investigation ~~during normal business hours~~.

(b) ~~If any part of the registered a licensed~~ premises consists of a locked area, the provider or ~~marijuana-infused products provider licensee~~ shall make the area available for inspection immediately upon request of the department or state or local law enforcement officials.

(5) ~~If the department conducts an inspection because of a complaint against a licensee or registered premises and does not find a violation of this chapter, the department shall give the licensee a copy of the complaint with the name of the complainant redacted.~~

(6)(5) The department may not hire or contract with a person to be an inspector if the person, ~~has worked~~ during the previous 4 years, *was or worked* for a Montana business or facility operating under this chapter or ~~Title 50, chapter 46, part 3 a former medical marijuana licensee.~~

(7)(6) In addition to any other penalties provided under this chapter, the department may revoke, suspend for up to 1 year, or refuse to renew a license or endorsement issued under this chapter if, upon inspection and subsequent notice to the licensee, the department finds that any of the following circumstances exist:

(a) a cause for which issuance of the license or endorsement could have been rejected had it been known to the department at the time of issuance;

(b) a violation of an administrative rule adopted to carry out the provisions of this chapter; or

(c) noncompliance with any provision of this chapter.

(8)(7) The department may suspend or modify a license or endorsement without advance notice upon a finding that presents an immediate threat to the health, safety, or welfare of consumers, employees of the licensee, or members of the public. *The department may establish by rule the applicable procedures for securing or disposing of the inventory in such circumstances.*

(9)(8) (a) Review of a department action imposing a suspension, revocation, or other modification under this chapter must be conducted as a contested case hearing *before the department's office of dispute resolution* under the provisions of the Montana Administrative Procedure Act.

(b) *A person may appeal any decision of the department of revenue concerning the issuance, rejection, suspension, or revocation of a license provided for by this chapter to the district court in the county in which the person operates or proposes to operate. If a person operates or seeks to operate in more than one county, the person may seek judicial review in the district court with jurisdiction over actions arising in any of the counties where it operates or seeks to operate.*

(c) *An appeal pursuant to subsection (8)(b) shall be made by filing a complaint setting forth the grounds for relief and the nature of relief demanded with the district court within 30 days following receipt of notice of the department's final decision.*

(10)(9) The department shall establish a training protocol to ensure uniform application and enforcement of the requirements of this chapter.

(11)(10) The department shall report biennially to the ~~revenue~~ *economic affairs* interim committee concerning the results of inspections conducted under this section. The report must include the information required under 16-12-110."

Section 58. Section 16-12-211, MCA, is amended to read:

"16-12-211. (Effective ~~October 1, 2021~~ January 1, 2022) Advertising prohibited. (1) Persons with licenses may not advertise marijuana or ~~marijuana-related~~ *marijuana* products in any medium, including electronic media.

(2) A listing in a directory of businesses authorized under this chapter is not advertising for the purposes of this section.

(3) A licensee may have a website but may not:

(a) include prices on the website; or

(b) actively solicit consumers or out-of-state consumers through the website.

(4) The department shall adopt rules to clearly identify the activities that constitute advertising that are prohibited under this section."

Section 59. Section 16-12-301, MCA, is amended to read:

"16-12-301. (Effective ~~October 1, 2021~~) Local government authority to regulate – opt-in requirement in certain counties – exemption for existing licensees. (1) (a) *Except as provided in subsection (1)(b), a marijuana business may not operate in a county in which the majority of voters voted*

against approval of Initiative Measure No. 190 in the November 3, 2020, general election until:

(i) the category or categories of license that the marijuana business seeks has or have been approved by the local jurisdiction where the marijuana business intends to operate as provided in subsection (3) or (4); and

(ii) the business is licensed by the department pursuant to this chapter.

(b) A former medical marijuana licensee that does not apply for licensure as an adult-use dispensary may operate in its existing premises in compliance with rules adopted by the department pursuant to 16-12-201(2) notwithstanding a local jurisdiction's failure to take action pursuant to subsections (3) through (6).

(c) A former medical marijuana licensee that intends to apply for licensure as a cultivator, manufacturer, adult-use dispensary, or testing laboratory may operate in compliance with rules adopted by the department pursuant to 16-12-201(2) notwithstanding a local jurisdiction's failure to take action pursuant to subsections (3) through (6), provided that the former marijuana licensee has remained in good standing with the department of public health and human services and the department.

(d) For the purpose of this section, the marijuana business categories that must be approved by a local jurisdiction under subsections (3) through (6) in a county in which the majority of voters voted against approval of Initiative Measure No. 190 in the November 3, 2020, general election before a business may operate are:

(i) cultivator;

(ii) manufacturer;

(iii) medical marijuana dispensary, except as provided in subsection (1)(b);

(iv) adult-use dispensary;

(v) combined-use marijuana licensee;

(vi) testing laboratory; and

(vii) marijuana transporter facility.

(e) Marijuana businesses located in counties in which the majority of voters voted to approve Initiative Measure No. 190 in the November 3, 2020, general election are not subject to the local government approval process under subsections (3) through (6).

(2) (a) To protect the public health, safety, or welfare, a local government may by ordinance or ~~resolution~~ otherwise regulate ~~an adult-use provider or adult-use marijuana-infused products provider~~ a marijuana business that operates within the local government's jurisdictional area. The regulations may include but are not limited to inspections of ~~registered~~ licensed premises, including but not limited to indoor cultivation facilities, dispensaries, manufacturing facilities, and testing laboratories in order to ensure compliance with any public health, safety, and welfare requirements established by the department or the local government.

~~(b) A local government may not adopt ordinances or regulations that are unduly burdensome.~~

(b) A former medical marijuana licensee that does not apply for licensure as an adult-use dispensary is exempt from complying with any local governmental regulations that are adopted under this subsection after [the effective date of this section] until its first license renewal date occurring after January 1, 2022, or the expiration of any grace period granted by the locality, whichever is later.

~~(2) The qualified electors of an incorporated municipality, county, or consolidated city-county may request an election on whether to prohibit by ordinance adult-use dispensaries from being located within the jurisdiction of~~

~~the local government by filing a petition in accordance with 7-5-131 through 7-5-135 and 7-5-137.~~

(3) An election regarding whether to approve any or all of the marijuana business categories listed in subsection (1)(c) to be located within a local jurisdiction may be requested by filing a petition in accordance with 7-5-131 through 7-5-135 and 7-5-137 by:

(a) the qualified electors of a county; or

(b) the qualified electors of a municipality.

~~(3)(4) (a) An election held pursuant to this section must be called, conducted, counted, and canvassed in accordance with Title 13, chapter 1, part 4.~~

~~(b) Except as provided in subsection (3)(c), an election held pursuant to this section may not be held within 70 days before or after a primary, general, or regular local election.~~

~~(c)(b) An election pursuant to this section may be held in conjunction with a regular election of the governing body, general election, or a regular local or special election.~~

~~(4)(5) If the qualified electors of an incorporated municipality, county, or consolidated city-county vote to prohibit adult-use dispensaries from being a county vote to approve a type of marijuana business to be located in the jurisdiction, the governing body shall enter the prohibition approval into the records of the local government and notify the department of the election results.~~

~~(5)(6) (a) If an election is held pursuant to this section in a county that contains within its limits a municipality of more than 5,000 persons according to the most recent federal decennial census:~~

~~(i) it is not necessary for the registered qualified electors in the municipality to file a separate petition asking for a separate or different vote on the question of whether to prohibit adult-use dispensaries prohibit a category of marijuana business from being located in the municipality; and~~

~~(ii) the county shall conduct the election in a manner that separates the votes in the municipality from those in the remaining parts of the county.~~

~~(b) If a majority of the qualified electors in the county, including the qualified electors in the municipality, vote to prohibit adult-use dispensaries from being approve a category of marijuana business to be located in the county, the county may not allow adult-use dispensaries that category of marijuana business to operate in the county.~~

~~(c) (i) If a majority of the qualified electors in the municipality vote to prohibit adult-use dispensaries from being approve a category of marijuana business to be located in the municipality, the municipality may not allow adult-use dispensaries that type of marijuana business to operate in the municipality.~~

~~(ii) If a majority of the qualified electors in the municipality vote to prohibit a category of marijuana business from being located in the municipality, the municipality may not allow that type of marijuana business to operate in the municipality.~~

~~(d) Nothing contained in this subsection (5) (6) prevents any municipality from having a separate election under the terms of this section.~~

~~(6)(7) (a) An incorporated municipality, county, or consolidated city-county A county or municipality that has voted to prohibit adult-use dispensaries from being approve a category of marijuana business to be located in the jurisdiction or a county in which the majority of voters voted to approve Initiative Measure No. 190 in the November 3, 2020, general election may vote to discontinue the prohibition and to allow the prohibit the previously prohibited~~

approved or allowed operations within the incorporated municipality, county, or consolidated city-county jurisdiction.

(b) A vote overturning a prohibition on operation of adult-use dispensaries the approval of a category of marijuana business or prohibiting the previously permitted operation of marijuana businesses is effective on the 90th day after the local election is held.

(7) A local government may temporarily prohibit retail sales regulated under this chapter from being located within its jurisdiction through local ordinance until an election can be held pursuant to this section.

(8)(8) A local government may not prohibit the transportation of marijuana within or through its jurisdiction on public roads by any person licensed to do so by the department or as otherwise allowed by this chapter.”

Section 60. Section 16-12-302, MCA, is amended to read:

“16-12-302. (Effective October 1, 2021 January 1, 2022) Fraudulent representation – penalties. (1) In addition to any other penalties provided by law, an individual who fraudulently represents to a law enforcement official that the individual is an adult-use provider or an adult-use marijuana-infused products provider a cultivator, manufacturer, adult-use dispensary, medical marijuana dispensary, testing laboratory, marijuana transporter, or has a marijuana worker permit is guilty of a civil fine not to exceed \$1,000.

(2) An individual convicted under this section may not be licensed under this chapter as an adult-use provider or adult-use marijuana-infused products provider under 16-12-203.”

Section 61. Section 18-7-101, MCA, is amended to read:

“18-7-101. Power to contract for printing – exceptions. (1) Except as provided in 1-11-301 and 50-46-303, 16-12-104, and [section 11], the department has exclusive power, subject to the approval of the governor, to contract for all printing for any purpose used by the state in any state office (elective or appointive), agency, or institution.

(2) The department shall supervise and attend to all public printing of the state as provided in this chapter and shall prevent duplication and unnecessary printing.

(3) Unless otherwise provided by law, the department, in letting contracts as provided in this chapter, for the printing, binding, and publishing of all laws, journals, and reports of the state agencies and institutions may determine the quantity, quality, style, and grade of all such printing, binding, and publishing.

(4) The provisions of this chapter do not apply to the state compensation insurance fund for purposes of external marketing or educational materials.”

Section 62. Section 37-1-136, MCA, is amended to read:

“37-1-136. Disciplinary authority of boards – injunctions. (1) Subject to 37-1-138, each licensing board allocated to the department has the authority, in addition to any other penalty or disciplinary action provided by law, to adopt rules specifying grounds for disciplinary action and rules providing for:

- (a) revocation of a license;
- (b) suspension of its judgment of revocation on terms and conditions determined by the board;
- (c) suspension of the right to practice for a period not exceeding 1 year;
- (d) placing a licensee on probation;
- (e) reprimand or censure of a licensee; or
- (f) taking any other action in relation to disciplining a licensee as the board in its discretion considers proper.

(2) Any disciplinary action by a board shall be conducted as a contested case hearing under the provisions of the Montana Administrative Procedure Act.

(3) Notwithstanding any other provision of law, a board may maintain an action to enjoin a person from engaging in the practice of the occupation or profession regulated by the board until a license to practice is procured. A person who has been enjoined and who violates the injunction is punishable for contempt of court.

(4) An action may not be taken against a person who is in compliance with ~~Title 50, chapter 46~~ [sections 9 through 23].

(5) Rules adopted under subsection (1) must provide for the provision of public notice as required by 37-1-311."

Section 63. Section 37-1-316, MCA, is amended to read:

"37-1-316. Unprofessional conduct. The following is unprofessional conduct for a licensee or license applicant governed by this part:

(1) conviction, including conviction following a plea of nolo contendere, of a crime relating to or committed during the course of the person's practice or involving violence, use or sale of drugs, fraud, deceit, or theft, whether or not an appeal is pending;

(2) permitting, aiding, abetting, or conspiring with a person to violate or circumvent a law relating to licensure or certification;

(3) fraud, misrepresentation, deception, or concealment of a material fact in applying for or assisting in securing a license or license renewal or in taking an examination required for licensure;

(4) signing or issuing, in the licensee's professional capacity, a document or statement that the licensee knows or reasonably ought to know contains a false or misleading statement;

(5) a misleading, deceptive, false, or fraudulent advertisement or other representation in the conduct of the profession or occupation;

(6) offering, giving, or promising anything of value or benefit to a federal, state, or local government employee or official for the purpose of influencing the employee or official to circumvent a federal, state, or local law, rule, or ordinance governing the licensee's profession or occupation;

(7) denial, suspension, revocation, probation, fine, or other license restriction or discipline against a licensee by a state, province, territory, or Indian tribal government or the federal government if the action is not on appeal, under judicial review, or has been satisfied;

(8) failure to comply with a term, condition, or limitation of a license by final order of a board;

(9) revealing confidential information obtained as the result of a professional relationship without the prior consent of the recipient of services, except as authorized or required by law;

(10) use of alcohol, a habit-forming drug, or a controlled substance as defined in Title 50, chapter 32, to the extent that the use impairs the user physically or mentally in the performance of licensed professional duties;

(11) having a physical or mental disability that renders the licensee or license applicant unable to practice the profession or occupation with reasonable skill and safety;

(12) engaging in conduct in the course of one's practice while suffering from a contagious or infectious disease involving serious risk to public health or without taking adequate precautions, including but not limited to informed consent, protective gear, or cessation of practice;

(13) misappropriating property or funds from a client or workplace or failing to comply with a board rule regarding the accounting and distribution of a client's property or funds;

(14) interference with an investigation or disciplinary proceeding by willful misrepresentation of facts, by the use of threats or harassment against or inducement to a client or witness to prevent them from providing evidence in a disciplinary proceeding or other legal action, or by use of threats or harassment against or inducement to a person to prevent or attempt to prevent a disciplinary proceeding or other legal action from being filed, prosecuted, or completed;

(15) assisting in the unlicensed practice of a profession or occupation or allowing another person or organization to practice or offer to practice by use of the licensee's license;

(16) failing to report the institution of or final action on a malpractice action, including a final decision on appeal, against the licensee or of an action against the licensee by a:

(a) peer review committee;

(b) professional association; or

(c) local, state, federal, territorial, provincial, or Indian tribal government;

(17) failure of a health care provider, as defined in 27-6-103, to comply with a policy or practice implementing 28-10-103(3)(a);

(18) conduct that does not meet the generally accepted standards of practice. A certified copy of a malpractice judgment against the licensee or license applicant or of a tort judgment in an action involving an act or omission occurring during the scope and course of the practice is conclusive evidence of but is not needed to prove conduct that does not meet generally accepted standards.

(19) the sole use of any electronic means, including teleconferencing, to obtain the information required for the written certification and accompanying statements used to apply for a registry identification card pursuant to ~~Title 50, chapter 46, part 3 [sections 9 through 23].~~

Section 64. Section 37-3-203, MCA, is amended to read:

"37-3-203. Powers and duties -- rulemaking authority. (1) The board may:

(a) adopt rules necessary or proper to carry out the requirements in Title 37, chapter 3, parts 1 through 4, and of chapters covering podiatry, acupuncture, physician assistants, nutritionists, and emergency care providers as set forth in Title 37, chapters 6, 13, 20, and 25, and 50-6-203, respectively. Rules adopted for emergency care providers with an endorsement to provide community-integrated health care must address the scope of practice, competency requirements, and educational requirements.

(b) hold hearings and take evidence in matters relating to the exercise and performance of the powers and duties vested in the board;

(c) aid the county attorneys of this state in the enforcement of parts 1 through 4 and 8 of this chapter as well as Title 37, chapters 6, 13, 20, and 25, and Title 50, chapter 6, regarding emergency care providers licensed by the board. The board also may assist the county attorneys of this state in the prosecution of persons, firms, associations, or corporations charged with violations of the provisions listed in this subsection (1)(c).

(d) review certifications of disability and determinations of eligibility for a permit to hunt from a vehicle as provided in 87-2-803(11); and

(e) fund additional staff, hired by the department, to administer the provisions of this chapter, by increasing license fees as necessary.

(2) (a) The board shall establish a medical assistance program to assist and rehabilitate licensees who are subject to the jurisdiction of the board and who are found to be physically or mentally impaired by habitual intemperance or the excessive use of addictive drugs, alcohol, or any other drug or substance or by mental illness or chronic physical illness.

(b) The board shall ensure that a licensee who is required or volunteers to participate in the medical assistance program as a condition of continued licensure or reinstatement of licensure must be allowed to enroll in a qualified medical assistance program within this state and may not require a licensee to enroll in a qualified treatment program outside the state unless the board finds that there is no qualified treatment program in this state.

(3) (a) The board shall report annually on the number and types of complaints it has received involving physician practices in providing written certification, as defined in ~~50-46-302~~ [section 10], for the use of marijuana for a debilitating medical condition provided for in ~~Title 50, chapter 46~~ [sections 9 through 23]. The report must contain:

(i) the number of complaints received by the board pursuant to 37-1-308;
(ii) the number of complaints for which a reasonable cause determination was made pursuant to 37-1-307;

(iii) the general nature of the complaints;

(iv) the number of investigations conducted into physician practices in providing written certification; and

(v) the number of physicians disciplined by the board for their practices in providing written certification for the use of marijuana for a debilitating medical condition.

(b) Except as provided in subsection (3)(c), the report may not contain individual identifying information regarding the physicians about whom the board received complaints.

(c) For each physician against whom the board takes disciplinary action related to the physician's practices in providing written certification for the use of marijuana for a debilitating medical condition, the report must include:

(i) the name of the physician;

(ii) the general results of the investigation of the physician's practices; and

(iii) the disciplinary action taken against the physician.

(d) The board shall provide the report to the ~~children, families, health, and human services~~ *economic affairs* interim committee by August 1 of each year and shall make a copy of the report available on the board's website.

(4) The board may enter into agreements with other states for the purposes of mutual recognition of licensing standards and licensing of physicians and emergency care providers from other states under the terms of a mutual recognition agreement."

Section 65. Section 39-2-210, MCA, is amended to read:

"39-2-210. Limitation on adverse action. Except as provided in ~~50-46-320 16-12-108~~, no adverse action, including followup testing, may be taken by the employer if the employee presents a reasonable explanation or medical opinion indicating that the original test results were not caused by illegal use of controlled substances or by alcohol consumption. If the employee presents a reasonable explanation or medical opinion, the test results must be removed from the employee's record and destroyed."

Section 66. Section 39-2-313, MCA, is amended to read:

"39-2-313. Discrimination prohibited for use of lawful product during nonworking hours – exceptions. (1) For purposes of this section, "lawful product" means a product that is legally consumed, used, or enjoyed and includes food, beverages, ~~and~~ tobacco, ~~and~~ marijuana.

(2) Except as provided in subsections (3) and (4), an employer may not refuse to employ or license and may not discriminate against an individual with respect to compensation, promotion, or the terms, conditions, or privileges of employment because the individual legally uses a lawful product off the employer's premises during nonworking hours.

(3) Subsection (2) does not apply to:

(a) use of a lawful product, ~~including the use of marijuana for a debilitating medical condition as defined in 50-46-302~~; that:

(i) affects in any manner an individual's ability to perform job-related employment responsibilities or the safety of other employees; or

(ii) conflicts with a bona fide occupational qualification that is reasonably related to the individual's employment;

(b) an individual who, on a personal basis, has a professional service contract with an employer and the unique nature of the services provided authorizes the employer, as part of the service contract, to limit the use of certain products; or

(c) an employer that is a nonprofit organization that, as one of its primary purposes or objectives, discourages the use of one or more lawful products by the general public.

(4) An employer does not violate this section if the employer takes action based on the belief that the employer's actions are permissible under an established substance abuse or alcohol program or policy, professional contract, or collective bargaining agreement.

(5) An employer may offer, impose, or have in effect a health, disability, or life insurance policy that makes distinctions between employees for the type or price of coverage based on the employees' use of a product if:

(a) differential rates assessed against employees reflect actuarially justified differences in providing employee benefits;

(b) the employer provides an employee with written notice delineating the differential rates used by the employer's insurance carriers; and

(c) the distinctions in the type or price of coverage are not used to expand, limit, or curtail the rights or liabilities of a party in a civil cause of action."

Section 67. Section 39-71-407, MCA, is amended to read:

"39-71-407. (Temporary) Liability of insurers – limitations.

(1) For workers' compensation injuries, each insurer is liable for the payment of compensation, in the manner and to the extent provided in this section, to an employee of an employer covered under plan No. 1, plan No. 2, and the state fund under plan No. 3 that it insures who receives an injury arising out of and in the course of employment or, in the case of death from the injury, to the employee's beneficiaries, if any.

(2) An injury does not arise out of and in the course of employment when the employee is:

(a) on a paid or unpaid break, is not at a worksite of the employer, and is not performing any specific tasks for the employer during the break; or

(b) engaged in a social or recreational activity, regardless of whether the employer pays for any portion of the activity. The exclusion from coverage of this subsection (2)(b) does not apply to an employee who, at the time of injury, is on paid time while participating in a social or recreational activity or whose presence at the activity is required or requested by the employer. For the purposes of this subsection (2)(b), "requested" means the employer asked the employee to assume duties for the activity so that the employee's presence is not completely voluntary and optional and the injury occurred in the performance of those duties.

(3) (a) Subject to subsection (3)(c), an insurer is liable for an injury, as defined in 39-71-119, only if the injury is established by objective medical findings and if the claimant establishes that it is more probable than not that:

(i) a claimed injury has occurred; or

(ii) a claimed injury has occurred and aggravated a preexisting condition.

(b) Proof that it was medically possible that a claimed injury occurred or that the claimed injury aggravated a preexisting condition is not sufficient to establish liability.

(c) Objective medical findings are sufficient for a presumptive occupational disease as defined in 39-71-1401 but may be overcome by a preponderance of the evidence.

(4) (a) An employee who suffers an injury or dies while traveling is not covered by this chapter unless:

(i) the employer furnishes the transportation or the employee receives reimbursement from the employer for costs of travel, gas, oil, or lodging as a part of the employee's benefits or employment agreement and the travel is necessitated by and on behalf of the employer as an integral part or condition of the employment; or

(ii) the travel is required by the employer as part of the employee's job duties.

(b) A payment made to an employee under a collective bargaining agreement, personnel policy manual, or employee handbook or any other document provided to the employee that is not wages but is designated as an incentive to work at a particular jobsite is not a reimbursement for the costs of travel, gas, oil, or lodging, and the employee is not covered under this chapter while traveling.

(5) Except as provided in subsection (6), an employee is not eligible for benefits otherwise payable under this chapter if the employee's use of alcohol or drugs not prescribed by a physician is the major contributing cause of the accident.

(6) (a) An employee who has received written certification, as defined in ~~50-46-302~~ [section 10], from a physician for the use of marijuana for a debilitating medical condition and who is otherwise eligible for benefits payable under this chapter is subject to the limitations of subsections (6)(b) through (6)(d).

(b) An employee is not eligible for benefits otherwise payable under this chapter if the employee's use of marijuana for a debilitating medical condition, as defined in ~~50-46-302~~ [16-12-102], is the major contributing cause of the injury or occupational disease.

(c) Nothing in this chapter may be construed to require an insurer to reimburse any person for costs associated with the use of marijuana for a debilitating medical condition, as defined in ~~50-46-302~~ [16-12-102].

(d) In an accepted liability claim, the benefits payable under this chapter may not be increased or enhanced due to a worker's use of marijuana for a debilitating medical condition, as defined in ~~50-46-302~~ [16-12-102]. An insurer remains liable for those benefits that the worker would qualify for absent the worker's use of marijuana for a debilitating medical condition.

(7) The provisions of subsection (5) do not apply if the employer had knowledge of and failed to attempt to stop the employee's use of alcohol or drugs not prescribed by a physician. This subsection (7) does not apply to the use of marijuana for a debilitating medical condition because marijuana is not a prescribed drug.

(8) If there is no dispute that an insurer is liable for an injury but there is a liability dispute between two or more insurers, the insurer for the most

recently filed claim shall pay benefits until that insurer proves that another insurer is responsible for paying benefits or until another insurer agrees to pay benefits. If it is later proven that the insurer for the most recently filed claim is not responsible for paying benefits, that insurer must receive reimbursement for benefits paid to the claimant from the insurer proven to be responsible.

(9) If a claimant who has reached maximum healing suffers a subsequent nonwork-related injury to the same part of the body, the workers' compensation insurer is not liable for any compensation or medical benefits caused by the subsequent nonwork-related injury.

(10) Except for cases of presumptive occupational disease as provided in 39-71-1401 and 39-71-1402, an employee is not eligible for benefits payable under this chapter unless the entitlement to benefits is established by objective medical findings that contain sufficient factual and historical information concerning the relationship of the worker's condition to the original injury.

(11) (a) For occupational diseases, every employer enrolled under plan No. 1, every insurer under plan No. 2, or the state fund under plan No. 3 is liable for the payment of compensation, in the manner and to the extent provided in this chapter, to an employee of an employer covered under plan No. 1, plan No. 2, or the state fund under plan No. 3 if the employee is diagnosed with a compensable occupational disease.

(b) The provisions of subsection (11)(a) apply to presumptive occupational disease if the employee is diagnosed and meets the conditions of 39-71-1401 and 39-71-1402.

(12) An insurer is liable for an occupational disease only if the occupational disease:

(a) is established by objective medical findings; and

(b) arises out of or is contracted in the course and scope of employment. An occupational disease is considered to arise out of or be contracted in the course and scope of employment if the events occurring on more than a single day or work shift are the major contributing cause of the occupational disease in relation to other factors contributing to the occupational disease. For the purposes of this subsection (12), an occupational disease is not the same as a presumptive occupational disease.

(13) When compensation is payable for an occupational disease or a presumptive occupational disease, the only employer liable is the employer in whose employment the employee was last injuriously exposed to the hazard of the disease.

(14) When there is more than one insurer and only one employer at the time that the employee was injuriously exposed to the hazard of the disease, the liability rests with the insurer providing coverage at the earlier of:

(a) the time that the occupational disease or presumptive occupational disease was first diagnosed by a health care provider; or

(b) the time that the employee knew or should have known that the condition was the result of an occupational disease or a presumptive occupational disease.

(15) In the case of pneumoconiosis, any coal mine operator who has acquired a mine in the state or substantially all of the assets of a mine from a person who was an operator of the mine on or after December 30, 1969, is liable for and shall secure the payment of all benefits that would have been payable by that person with respect to miners previously employed in the mine if acquisition had not occurred and that person had continued to operate the mine, and the prior operator of the mine is not relieved of any liability under this section.

(16) As used in this section, “major contributing cause” means a cause that is the leading cause contributing to the result when compared to all other contributing causes. (Void on occurrence of contingency--sec. 7, Ch. 158, L. 2019.)

39-71-407. (Effective on occurrence of contingency) Liability of insurers – limitations. (1) For workers’ compensation injuries, each insurer is liable for the payment of compensation, in the manner and to the extent provided in this section, to an employee of an employer covered under plan No. 1, plan No. 2, and the state fund under plan No. 3 that it insures who receives an injury arising out of and in the course of employment or, in the case of death from the injury, to the employee’s beneficiaries, if any.

(2) An injury does not arise out of and in the course of employment when the employee is:

(a) on a paid or unpaid break, is not at a worksite of the employer, and is not performing any specific tasks for the employer during the break; or

(b) engaged in a social or recreational activity, regardless of whether the employer pays for any portion of the activity. The exclusion from coverage of this subsection (2)(b) does not apply to an employee who, at the time of injury, is on paid time while participating in a social or recreational activity or whose presence at the activity is required or requested by the employer. For the purposes of this subsection (2)(b), “requested” means the employer asked the employee to assume duties for the activity so that the employee’s presence is not completely voluntary and optional and the injury occurred in the performance of those duties.

(3) (a) An insurer is liable for an injury, as defined in 39-71-119, only if the injury is established by objective medical findings and if the claimant establishes that it is more probable than not that:

(i) a claimed injury has occurred; or

(ii) a claimed injury has occurred and aggravated a preexisting condition.

(b) Proof that it was medically possible that a claimed injury occurred or that the claimed injury aggravated a preexisting condition is not sufficient to establish liability.

(4) (a) An employee who suffers an injury or dies while traveling is not covered by this chapter unless:

(i) the employer furnishes the transportation or the employee receives reimbursement from the employer for costs of travel, gas, oil, or lodging as a part of the employee’s benefits or employment agreement and the travel is necessitated by and on behalf of the employer as an integral part or condition of the employment; or

(ii) the travel is required by the employer as part of the employee’s job duties.

(b) A payment made to an employee under a collective bargaining agreement, personnel policy manual, or employee handbook or any other document provided to the employee that is not wages but is designated as an incentive to work at a particular jobsite is not a reimbursement for the costs of travel, gas, oil, or lodging, and the employee is not covered under this chapter while traveling.

(5) Except as provided in subsection (6), an employee is not eligible for benefits otherwise payable under this chapter if the employee’s use of alcohol or drugs not prescribed by a physician is the major contributing cause of the accident.

(6) (a) An employee who has received written certification, as defined in ~~50-46-302~~ [section 10], from a physician for the use of marijuana for a debilitating medical condition and who is otherwise eligible for benefits

payable under this chapter is subject to the limitations of subsections (6)(b) through (6)(d).

(b) An employee is not eligible for benefits otherwise payable under this chapter if the employee's use of marijuana for a debilitating medical condition, as defined in ~~50-46-302~~ [16-12-102], is the major contributing cause of the injury or occupational disease.

(c) Nothing in this chapter may be construed to require an insurer to reimburse any person for costs associated with the use of marijuana for a debilitating medical condition, as defined in ~~50-46-302~~ [16-12-102].

(d) In an accepted liability claim, the benefits payable under this chapter may not be increased or enhanced due to a worker's use of marijuana for a debilitating medical condition, as defined in ~~50-46-302~~ [16-12-102]. An insurer remains liable for those benefits that the worker would qualify for absent the worker's use of marijuana for a debilitating medical condition.

(7) The provisions of subsection (5) do not apply if the employer had knowledge of and failed to attempt to stop the employee's use of alcohol or drugs not prescribed by a physician. This subsection (7) does not apply to the use of marijuana for a debilitating medical condition because marijuana is not a prescribed drug.

(8) If there is no dispute that an insurer is liable for an injury but there is a liability dispute between two or more insurers, the insurer for the most recently filed claim shall pay benefits until that insurer proves that another insurer is responsible for paying benefits or until another insurer agrees to pay benefits. If it is later proven that the insurer for the most recently filed claim is not responsible for paying benefits, that insurer must receive reimbursement for benefits paid to the claimant from the insurer proven to be responsible.

(9) If a claimant who has reached maximum healing suffers a subsequent nonwork-related injury to the same part of the body, the workers' compensation insurer is not liable for any compensation or medical benefits caused by the subsequent nonwork-related injury.

(10) An employee is not eligible for benefits payable under this chapter unless the entitlement to benefits is established by objective medical findings that contain sufficient factual and historical information concerning the relationship of the worker's condition to the original injury.

(11) For occupational diseases, every employer enrolled under plan No. 1, every insurer under plan No. 2, or the state fund under plan No. 3 is liable for the payment of compensation, in the manner and to the extent provided in this chapter, to an employee of an employer covered under plan No. 1, plan No. 2, or the state fund under plan No. 3 if the employee is diagnosed with a compensable occupational disease.

(12) An insurer is liable for an occupational disease only if the occupational disease:

(a) is established by objective medical findings; and

(b) arises out of or is contracted in the course and scope of employment. An occupational disease is considered to arise out of or be contracted in the course and scope of employment if the events occurring on more than a single day or work shift are the major contributing cause of the occupational disease in relation to other factors contributing to the occupational disease.

(13) When compensation is payable for an occupational disease, the only employer liable is the employer in whose employment the employee was last injuriously exposed to the hazard of the disease.

(14) When there is more than one insurer and only one employer at the time that the employee was injuriously exposed to the hazard of the disease, the liability rests with the insurer providing coverage at the earlier of:

(a) the time that the occupational disease was first diagnosed by a health care provider; or

(b) the time that the employee knew or should have known that the condition was the result of an occupational disease.

(15) In the case of pneumoconiosis, any coal mine operator who has acquired a mine in the state or substantially all of the assets of a mine from a person who was an operator of the mine on or after December 30, 1969, is liable for and shall secure the payment of all benefits that would have been payable by that person with respect to miners previously employed in the mine if acquisition had not occurred and that person had continued to operate the mine, and the prior operator of the mine is not relieved of any liability under this section.

(16) As used in this section, "major contributing cause" means a cause that is the leading cause contributing to the result when compared to all other contributing causes."

Section 68. Section 41-5-216, MCA, is amended to read:

"41-5-216. Disposition of youth court, law enforcement, and department records – sharing and access to records. (1) Formal and informal youth court records, law enforcement records, and department records that are not exempt from sealing under subsections (4) and (6) and that pertain to a youth covered by this chapter must be physically sealed on the youth's 18th birthday. In those cases in which jurisdiction of the court or any agency is extended beyond the youth's 18th birthday, the records must be physically sealed upon termination of the extended jurisdiction.

(2) Except as provided in subsection (6), when the records pertaining to a youth pursuant to this section are sealed, an agency, other than the department, that has in its possession copies of the sealed records shall destroy the copies of the records. Anyone violating the provisions of this subsection is subject to contempt of court.

(3) Except as provided in subsection (6), this section does not prohibit the destruction of records with the consent of the youth court judge or county attorney after 10 years from the date of sealing.

(4) The requirements for sealed records in this section do not apply to medical records, fingerprints, DNA records, photographs, youth traffic records, records in any case in which the youth did not fulfill all requirements of the court's judgment or disposition, records referred to in 42-3-203, or the information referred to in 46-23-508, in any instance in which the youth was required to register as a sexual offender pursuant to Title 46, chapter 23, part 5.

(5) After formal and informal youth court records, law enforcement records, and department records are sealed, they are not open to inspection except, upon order of the youth court, for good cause to:

(a) those persons and agencies listed in 41-5-215(2); and

(b) adult probation and parole staff preparing a presentence report on an adult with an existing sealed youth court record.

(6) (a) When formal youth court records, law enforcement records, and department records are sealed under subsection (1), the electronic records of the management information system maintained by the office of court administrator and by the department relating to the youth whose records are being sealed must be preserved for the express purpose of research and program evaluation.

(b) The department of public health and human services, the office of court administrator, and the department shall disassociate the offense and disposition information from the name of the youth in the respective

management information system. The offense and disposition information must be maintained separately and may be used only:

(i) for research and program evaluation authorized by the office of court administrator or by the department and subject to any applicable laws; and

(ii) as provided in Title 5, chapter 13.

(7) (a) Informal youth court records for a youth for whom formal proceedings have been filed must be physically sealed on the youth's 18th birthday or, in those cases in which jurisdiction of the court or any agency is extended beyond the youth's 18th birthday, upon termination of the extended jurisdiction and may be inspected only pursuant to subsection (5).

(b) The informal youth court records are confidential and may be shared only with those persons and agencies listed in 41-5-215(2).

(c) Except as provided in subsection (7)(a), when a youth becomes 18 years of age or when extended supervision ends and the youth was involved only in informal proceedings, informal youth court records that are in hard-copy form must be destroyed and any electronic records in the youth court management information system must disassociate the offense and disposition information from the name of the youth and may be used only for the following purposes:

(i) for research and program evaluation authorized by the office of the court administrator and subject to any applicable laws; and

(ii) as provided in Title 5, chapter 13.

(8) Nothing in this section prohibits the sharing of formal or informal youth court records within the juvenile probation management information system to a person or agency listed in 41-5-215(2).

(9) This section does not prohibit the sharing of formal or informal youth court records within the department's youth management information system. Electronic records of the department's youth management information system may not be shared except as provided in subsection (5). A person or agency receiving the youth court record shall destroy the record after it has fulfilled its purpose.

(10) This section does not prohibit the sharing of formal or informal youth court records with a short-term detention center, a youth care facility, a youth assessment center, or a youth detention facility upon placement of a youth within the facility.

(11) This section does not prohibit access to formal or informal youth court records, including electronic records, for purposes of conducting evaluations as required by 41-5-2003 and studies conducted between individuals and agencies listed in 41-5-215(2).

(12) This section does not prohibit the office of court administrator, upon written request from the department of ~~public health and human services revenue~~, from confirming whether a person applying for a registry identification card pursuant to ~~50-46-307 [section 11]~~ or a license pursuant to ~~50-46-308 16-12-203~~ is currently under youth court supervision."

Section 69. Section 45-9-101, MCA, is amended to read:

"45-9-101. Criminal distribution of dangerous drugs. (1) Except as provided in Title 16, chapter 12, or Title 50, chapter 46, a person commits the offense of criminal distribution of dangerous drugs if the person sells, barter, exchanges, gives away, or offers to sell, barter, exchange, or give away any dangerous drug, as defined in 50-32-101.

(2) A person convicted of criminal distribution of dangerous drugs involving giving away or sharing any dangerous drug, as defined in 50-32-101, shall be sentenced as provided in 45-9-102.

(3) A person convicted of criminal distribution of dangerous drugs not otherwise provided for in subsection (1), (2), or (4) shall be imprisoned in the

state prison for a term not to exceed 25 years or be fined an amount of not more than \$50,000, or both.

(4) A person who was an adult at the time of distribution and who is convicted of criminal distribution of dangerous drugs to a minor shall be sentenced as follows:

(a) For a first offense, the person shall be imprisoned in the state prison for a term not to exceed 40 years and may be fined not more than \$50,000.

(b) For a second or subsequent offense, the person shall be imprisoned in the state prison for a term not to exceed life and may be fined not more than \$50,000.

(5) Practitioners, as defined in 50-32-101, and agents under their supervision acting in the course of a professional practice are exempt from this section."

Section 70. Section 45-9-102, MCA, is amended to read:

"45-9-102. Criminal possession of dangerous drugs. (1) Except as provided in Title 16, chapter 12, ~~or 50-32-609, or Title 50, chapter 46,~~ a person commits the offense of criminal possession of dangerous drugs if the person possesses any dangerous drug, as defined in 50-32-101, [in an amount] greater than permitted or for which a penalty is not specified under Title 16, chapter 12.

(2) A person convicted of criminal possession of dangerous drugs shall be imprisoned in the state prison for a term not to exceed 5 years or be fined an amount not to exceed \$5,000, or both.

(3) A person convicted of a first violation under this section is presumed to be entitled to a deferred imposition of sentence of imprisonment.

(4) Ultimate users and practitioners, as defined in 50-32-101, and agents under their supervision acting in the course of a professional practice are exempt from this section."

Section 71. Section 45-9-103, MCA, is amended to read:

"45-9-103. Criminal possession with intent to distribute. (1) Except as provided in Title 16, chapter 12, ~~or Title 50, chapter 46,~~ a person commits the offense of criminal possession with intent to distribute if the person possesses with intent to distribute any dangerous drug as defined in 50-32-101 [in an amount] greater than permitted or for which a penalty is not specified under Title 16, chapter 12.

(2) A person convicted of criminal possession with intent to distribute shall be imprisoned in the state prison for a term of not more than 20 years or be fined an amount not to exceed \$50,000, or both.

(3) Practitioners, as defined in 50-32-101, and agents under their supervision acting in the course of a professional practice are exempt from this section."

Section 72. Section 45-9-110, MCA, is amended to read:

"45-9-110. Criminal production or manufacture of dangerous drugs. (1) Except as provided in Title 16, chapter 12, ~~or Title 50, chapter 46,~~ a person commits the offense of criminal production or manufacture of dangerous drugs if the person knowingly or purposely produces, manufactures, prepares, cultivates, compounds, or processes a dangerous drug, as defined in 50-32-101.

(2) A person convicted of criminal production or manufacture of dangerous drugs, as defined in 50-32-101, shall be imprisoned in the state prison for a term of not more than 25 years and may be fined an amount not to exceed \$50,000.

(3) A person convicted of production of marijuana or tetrahydrocannabinol in an amount greater than permitted or for which a penalty is not specified under Title 16, chapter 12, ~~or Title 50, chapter 46,~~ or manufacture without the

appropriate license and endorsement pursuant to Title 16, chapter 12, or Title 50, chapter 46, shall be imprisoned in the state prison for a term of not more than 5 years and may be fined an amount not to exceed \$5,000, except that if the total weight is more than a pound or the number of plants is more than 30, the person shall be imprisoned in the state prison for a term of not more than 25 years and may be fined an amount not to exceed \$50,000. "Weight" means the weight of the dry plant and includes the leaves and stem structure but does not include the root structure.

(4) Practitioners, as defined in 50-32-101, and agents under their supervision acting in the course of a professional practice are exempt from this section."

Section 73. Section 45-9-127, MCA, is amended to read:

"45-9-127. Carrying dangerous drugs on train – penalty. (1) Except as provided in Title 16, chapter 12, or Title 50, chapter 46, a person commits the offense of carrying dangerous drugs on a train in this state if the person is knowingly or purposely in criminal possession of a dangerous drug and boards any train.

(2) A person convicted of carrying dangerous drugs on a train in this state is subject to the penalties provided in 45-9-102."

Section 74. Section 45-9-203, MCA, is amended to read:

"45-9-203. Surrender of license. (1) If a court suspends or revokes a driver's license under 45-9-202(2)(e), the defendant shall, at the time of sentencing, surrender the license to the court. The court shall forward the license and a copy of the sentencing order to the department of justice. The defendant may apply to the department for issuance of a probationary license under 61-2-302.

(2) If a person with a registry identification card or license issued pursuant to ~~50-46-307 [section 11]~~ or ~~50-46-308 16-12-203~~ is convicted of an offense under this chapter, the court shall:

(a) at the time of sentencing, require the person to surrender the registry identification card; and

(b) notify the department of ~~public health and human services revenue~~ of the conviction in order for the department to carry out its duties under ~~50-46-330 [section 18]~~ or ~~16-12-109~~."

Section 75. Section 45-10-103, MCA, is amended to read:

"45-10-103. Criminal possession of drug paraphernalia. Except as provided in Title 16, chapter 12, or 50-32-609, or Title 50, chapter 46, it is unlawful for a person to use or to possess with intent to use drug paraphernalia to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale, or otherwise introduce into the human body a dangerous drug. A person who violates this section is guilty of a misdemeanor and upon conviction shall be imprisoned in the county jail for not more than 6 months, fined an amount of not more than \$500, or both. A person convicted of a first violation of this section is presumed to be entitled to a deferred imposition of sentence of imprisonment."

Section 76. Section 45-10-107, MCA, is amended to read:

"45-10-107. Exemptions. The provisions of this part do not apply to:

(1) practitioners, as defined in 50-32-101, and agents under their supervision acting in the course of a professional practice;

~~(2) persons acting in compliance with Title 50, chapter 46;~~

~~(3)(2)~~ persons acting in compliance with Title 16, chapter 12; or

~~(4)(3)~~ persons acting as employees or volunteers of an organization, including a nonprofit community-based organization, local health department,

or tribal health department, that provides needle and syringe exchange services to prevent and reduce the transmission of communicable diseases.”

Section 77. Section 46-18-202, MCA, is amended to read:

“46-18-202. Additional restrictions on sentence. (1) The sentencing judge may also impose any of the following restrictions or conditions on the sentence provided for in 46-18-201 that the judge considers necessary to obtain the objectives of rehabilitation and the protection of the victim and society:

- (a) prohibition of the offender’s holding public office;
- (b) prohibition of the offender’s owning or carrying a dangerous weapon;
- (c) restrictions on the offender’s freedom of association;
- (d) restrictions on the offender’s freedom of movement;
- (e) a requirement that the defendant provide a biological sample for DNA testing for purposes of Title 44, chapter 6, part 1, if an agreement to do so is part of the plea bargain;

- (f) a requirement that the offender surrender any registry identification card *issued under [section 11]* or license issued under ~~50-46-303~~ *16-12-203*;

- (g) any other limitation reasonably related to the objectives of rehabilitation and the protection of the victim and society.

(2) Whenever the sentencing judge imposes a sentence of imprisonment in a state prison for a term exceeding 1 year, the sentencing judge may also impose the restriction that the offender is ineligible for parole and participation in the supervised release program while serving that term. If the restriction is to be imposed, the sentencing judge shall state the reasons for it in writing. If the sentencing judge finds that the restriction is necessary for the protection of society, the judge shall impose the restriction as part of the sentence and the judgment must contain a statement of the reasons for the restriction.

(3) If a sentencing judge requires an offender to surrender a registry identification card *issued under [section 11]* or license issued under ~~50-46-303~~ *16-12-203*, the court shall return the card or license to the department of ~~public health and human services~~ *revenue* and provide the department with information on the offender’s sentence. The department shall revoke the card for the duration of the sentence and shall return the card if the offender successfully completes the terms of the sentence before the expiration date listed on the card.”

Section 78. Section 50-46-302, MCA, is amended to read:

“50-46-302. Definitions. As used in this part, the following definitions apply:

(1) “Canopy” means the total amount of square footage dedicated to live plant production at a registered premises consisting of the area of the floor, platform, or means of support or suspension of the plant.

(2) “Chemical manufacturing” means the production of marijuana concentrate.

(3) “Correctional facility or program” means a facility or program that is described in 53-1-202 and to which an individual may be ordered by any court of competent jurisdiction.

(4) “Debilitating medical condition” means:

- (a) cancer, glaucoma, positive status for human immunodeficiency virus, or acquired immune deficiency syndrome when the condition or disease results in symptoms that seriously and adversely affect the patient’s health status;

- (b) cachexia or wasting syndrome;

- (c) severe chronic pain that is persistent pain of severe intensity that significantly interferes with daily activities as documented by the patient’s treating physician;

- (d) intractable nausea or vomiting;

- (e) epilepsy or an intractable seizure disorder;
- (f) multiple sclerosis;
- (g) Crohn's disease;
- (h) painful peripheral neuropathy;
- (i) a central nervous system disorder resulting in chronic, painful spasticity or muscle spasms;
- (j) admittance into hospice care in accordance with rules adopted by the department; or
- (k) posttraumatic stress disorder.

(5) "Department" means the department of ~~public health and human services~~ ~~revenue~~ provided for in ~~2-15-2201~~ ~~2-15-1301~~.

(6) "Dispensary" means a registered premises from which a provider or marijuana-infused products provider is approved by the department to dispense marijuana or marijuana-infused products to a registered cardholder.

(7) (a) "Employee" means an individual employed to do something for the benefit of an employer.

(b) The term includes a manager, agent, or director of a partnership, association, company, corporation, limited liability company, or organization.

(c) The term does not include a third party with whom a licensee has a contractual relationship.

(8) "Financial interest" means a legal or beneficial interest that entitles the holder, directly or indirectly through a business, an investment, or a spouse, parent, or child relationship, to 1% or more of the net profits or net worth of the entity in which the interest is held.

(9) "Local government" means a county, a consolidated government, or an incorporated city or town.

(10) "Marijuana" has the meaning provided in 50-32-101.

(11) "Marijuana concentrate" means any type of marijuana product consisting wholly or in part of the resin extracted from any part of the marijuana plant.

(12) "Marijuana derivative" means any mixture or preparation of the dried leaves, flowers, resin, and byproducts of the marijuana plant, including but not limited to marijuana concentrates and marijuana-infused products.

(13) (a) "Marijuana-infused product" means a product that contains marijuana and is intended for use by a registered cardholder by a means other than smoking.

(b) The term includes but is not limited to edible products, ointments, and tinctures.

(14) (a) "Marijuana-infused products provider" means a person licensed by the department to manufacture and provide marijuana-infused products for a registered cardholder.

(b) The term does not include the cardholder's treating or referral physician.

(15) "Mature marijuana plant" means a harvestable female marijuana plant that is flowering.

(16) "Paraphernalia" has the meaning provided in 45-10-101.

(17) "Person" means an individual, partnership, association, company, corporation, limited liability company, or organization.

(18) (a) "Provider" means a person licensed by the department to assist a registered cardholder as allowed under this part.

(b) The term does not include a cardholder's treating physician or referral physician.

(19) "Referral physician" means an individual who:

- (a) is licensed under Title 37, chapter 3; and

(b) is the physician to whom a patient's treating physician has referred the patient for physical examination and medical assessment.

(20) "Registered cardholder" or "cardholder" means a Montana resident with a debilitating medical condition who has received and maintains a valid registry identification card.

(21) "Registered premises" means the location at which a provider or marijuana-infused products provider:

(a) has indicated that marijuana will be cultivated, chemical manufacturing will occur, or marijuana-infused products will be manufactured for registered cardholders; or

(b) has established a dispensary for sale of marijuana or marijuana-infused products to registered cardholders.

(22) "Registry identification card" means a document issued by the department pursuant to 50-46-303 that identifies an individual as a registered cardholder.

(23) (a) "Resident" means an individual who meets the requirements of 1-1-215.

(b) An individual is not considered a resident for the purposes of this part if the individual:

(i) claims residence in another state or country for any purpose; or

(ii) is an absentee property owner paying property tax on property in Montana.

(24) "Second degree of kinship by blood or marriage" means a mother, father, brother, sister, son, daughter, spouse, grandparent, grandchild, mother-in-law, father-in-law, brother-in-law, sister-in-law, son-in-law, daughter-in-law, grandparent-in-law, grandchild-in-law, stepfather, stepmother, stepbrother, stepsister, stepson, stepdaughter, stepgrandparent, or stepgrandchild.

(25) "Seedling" means a marijuana plant that has no flowers and is less than 12 inches in height and 12 inches in diameter.

(26) "Standard of care" means, at a minimum, the following activities when undertaken in person or through the use of telemedicine by a patient's treating physician or referral physician if the treating physician or referral physician is providing written certification for a patient with a debilitating medical condition:

(a) obtaining the patient's medical history;

(b) performing a relevant and necessary physical examination;

(c) reviewing prior treatment and treatment response for the debilitating medical condition;

(d) obtaining and reviewing any relevant and necessary diagnostic test results related to the debilitating medical condition;

(e) discussing with the patient and ensuring that the patient understands the advantages, disadvantages, alternatives, potential adverse effects, and expected response to the recommended treatment;

(f) monitoring the response to treatment and possible adverse effects; and

(g) creating and maintaining patient records that remain with the physician.

(27) "State laboratory" means the laboratory operated by the department to conduct environmental analyses.

(28) "Telemedicine" has the meaning provided in 33-22-138.

(29) "Testing laboratory" means a qualified person, licensed by the department, who meets the requirements of 50-46-311 and:

(a) provides testing of representative samples of marijuana and marijuana-infused products; and

(b) provides information regarding the chemical composition, the potency of a sample, and the presence of molds, pesticides, or other contaminants in a sample.

(30) "Treating physician" means an individual who:

(a) is licensed under Title 37, chapter 3; and

(b) has a bona fide professional relationship with the individual applying to be a registered cardholder.

(31) (a) "Usable marijuana" means the dried leaves and flowers of the marijuana plant and any marijuana derivatives that are appropriate for the use of marijuana by an individual with a debilitating medical condition.

(b) The term does not include the seeds, stalks, and roots of the plant.

(32) "Written certification" means a statement signed by a treating physician or referral physician that meets the requirements of 50-46-310 and is provided in a manner that meets the standard of care."

Section 79. Section 50-46-303, MCA, is amended to read:

"50-46-303. Medical marijuana registry – department responsibilities – issuance of cards and licenses – confidentiality.

(1) The department shall establish and maintain a registry of persons who receive registry identification cards or licenses under this part. The department shall issue:

(a) registry identification cards to Montana residents who have debilitating medical conditions and who submit applications meeting the requirements of this part;

(b) licenses:

(i) to persons who apply to operate as providers or marijuana-infused products providers and who submit applications meeting the requirements of this part;

(ii) for dispensaries established by providers or marijuana-infused products providers; and

(iii) through the state laboratory, to testing laboratories that submit applications meeting the requirements of this part; and

(c) endorsements for chemical manufacturing to a provider or a marijuana-infused products provider who applies for a chemical manufacturing endorsement and meets requirements established by the department by rule.

(2) ~~(a) An individual who obtains a registry identification card and indicates the individual will not use the system of licensed providers and marijuana-infused products providers to obtain marijuana or marijuana-infused products is authorized to cultivate, manufacture, possess, and transport marijuana as allowed by this part.~~

~~(b) An individual who obtains a registry identification card and indicates the individual will use the system of licensed providers and marijuana-infused products providers to obtain marijuana or marijuana-infused products is authorized to possess marijuana as allowed by this part.~~

~~(c)(a)~~ A person who obtains a provider, marijuana-infused products provider, or dispensary license or an employee of a licensed provider or marijuana-infused products provider is authorized to cultivate, manufacture, possess, sell, and transport marijuana as allowed by this part.

~~(d)(b)~~ A person who obtains a testing laboratory license or an employee of a licensed testing laboratory is authorized to possess, test, and transport marijuana as allowed by this part.

(3) The department shall conduct criminal history background checks as required by 50-46-307 and 50-46-308 before issuing a license to a provider or marijuana-infused products provider.

(4) (a) Registry identification cards and licenses issued pursuant to this part must:

(i) be laminated and produced on a material capable of lasting for the duration of the time period for which the card or license is valid;

(ii) state the name, address, and date of birth of the registered cardholder;

(iii) indicate whether the cardholder is obtaining marijuana and marijuana-infused products through the system of licensed providers and marijuana-infused products providers;

(iv) indicate whether a provider or marijuana-infused products provider has an endorsement for chemical manufacturing;

(v) state the date of issuance and the expiration date of the registry identification card or license;

(vi) contain a unique identification number; and

(vii) contain other information that the department may specify by rule.

(b) Except as provided in subsection (4)(c), in addition to complying with subsection (4)(a), registry identification cards issued pursuant to this part must:

(i) include a picture of the registered cardholder; and

(ii) be capable of being used to track registered cardholder purchases.

(c) (i) The department shall issue temporary registry identification cards upon receipt of an application. The cards are valid for 60 days and are exempt from the requirements of subsection (4)(b). Printing of the temporary identification cards is exempt from the provisions of Title 18, chapter 7.

(ii) The cards may be issued before an applicant's payment of the fee has cleared. The department shall cancel the temporary card after 60 days and may not issue a permanent card until the fee is paid.

(5) (a) The department or state laboratory, as applicable, shall review the information contained in an application or renewal submitted pursuant to this part and shall approve or deny an application or renewal within 30 days of receiving the application or renewal and all related application materials.

(b) If the department fails to act on a completed application within 30 days of receipt, the department shall:

(i) refund the fee paid by an applicant for a registry identification card;

(ii) reduce the cost of the licensing fee for a new applicant for licensure or for a licensee seeking renewal of a license by 5% each week that the application is pending; and

(iii) if a licensee is unable to operate because a license renewal application has not been acted on, reimburse the licensee 50% of the ~~gross~~ sales the licensee reported in the most recent quarter for the purpose of the tax provided for in 15-64-102.

(c) Applications that are not processed within 30 days of receipt remain active until the department takes final action.

(d) An application for a license or renewal of a license is not considered complete until the department has completed a satisfactory inspection as required by this part and related administrative rules.

(e) The department shall issue a registry identification card, license, or endorsement within 5 days of approving an application or renewal.

(6) Review of a rejection of an application or renewal may be conducted as a contested case hearing pursuant to the provisions of the Montana Administrative Procedure Act.

(7) (a) Registry identification cards expire 1 year after the date of issuance unless a physician has provided a written certification stating that a card is valid for a shorter period of time.

(b) Licenses and endorsements issued to providers, marijuana-infused products providers, and testing laboratories must be renewed annually.

(8) (a) A registered cardholder shall notify the department of any change in the cardholder's name, address, or physician or change in the status of the cardholder's debilitating medical condition within 10 days of the change.

~~(b) A registered cardholder who possesses mature plants or seedlings under 50-46-319(1) shall notify the department of the location of the plants and seedlings or any change of location of plants or seedlings. The department shall provide the names and locations of cardholders who possess mature plants or seedlings to the local law enforcement agency having jurisdiction in the area in which the plants or seedlings are located. The law enforcement agency and its employees are subject to the confidentiality requirements of 50-46-332.~~

(c)(b) If a change occurs and is not reported to the department, the registry identification card is void.

(9) The department shall maintain a confidential list of individuals to whom the department has issued registry identification cards. Except as provided in ~~subsections (8)(b) and~~ subsection (10), individual names and other identifying information on the list must be confidential and are not subject to disclosure, except to:

(a) authorized employees of the department as necessary to perform the official duties of the department;

(b) authorized employees of state or local government agencies, including law enforcement agencies, only as necessary to verify that an individual is a lawful possessor of a registry identification card;

(c) a judge, magistrate, or other authorized judicial officer in response to an order requiring disclosure; and

(d) another person or entity when the information pertains to a cardholder who has given written consent to the release and has specified:

(i) the type of information to be released; and

(ii) the person or entity to whom it may be released.

(10) The department shall provide the names and phone numbers of providers and marijuana-infused products providers and the city, town, or county where registered premises and testing laboratories are located to the public on the department's website. The department may not disclose the physical location or address of a provider, marijuana-infused products provider, dispensary, or testing laboratory.

~~(11) The department may share only information about providers, marijuana-infused products providers, dispensaries, and testing laboratories with the department of revenue for the purpose of investigation and prevention of noncompliance with tax laws, including but not limited to evasion, fraud, and abuse. The department of revenue and its employees are subject to the confidentiality requirements of 15-64-111(1)."~~

Section 80. Section 50-46-307, MCA, is amended to read:

"50-46-307. Individuals with debilitating medical conditions – requirements – minors – limitations. (1) Except as provided in subsections (2) through (5), the department shall issue a registry identification card to an individual with a debilitating medical condition who submits the following, in accordance with department rules:

(a) an application on a form prescribed by the department;

(b) an application fee or a renewal fee;

(c) the individual's name, street address, and date of birth;

(d) proof of Montana residency;

~~(e) a statement that the individual will be cultivating marijuana and manufacturing marijuana-infused products for the individual's use or will be obtaining marijuana or marijuana-infused products through the system of licensed providers and marijuana-infused products providers;~~

~~(f)(e)~~ a statement, on a form prescribed by the department, that the individual will not divert to any other individual the marijuana or marijuana-infused products that the individual ~~cultivates, manufactures, or obtains through the system of licensed providers and marijuana-infused products providers~~ for the individual's debilitating medical condition;

~~(g)(f)~~ the name of the individual's treating physician or referral physician and the street address and telephone number of the physician's office;

~~(h)(g)~~ the street address where the individual is cultivating marijuana or manufacturing marijuana-infused products if the individual is cultivating marijuana or manufacturing marijuana-infused products for the individual's own use; and

~~(i)(h)~~ the written certification and accompanying statements from the individual's treating physician or referral physician as required pursuant to 50-46-310.

(2) The department shall issue a registry identification card to a minor if the materials required under subsection (1) are submitted and the minor's custodial parent or legal guardian with responsibility for health care decisions:

(a) provides proof of legal guardianship and responsibility for health care decisions if the individual is submitting an application as the minor's legal guardian with responsibility for health care decisions; and

(b) signs and submits a written statement that:

(i) the minor's treating physician or referral physician has explained to the minor and to the minor's custodial parent or legal guardian with responsibility for health care decisions the potential risks and benefits of the use of marijuana;

(ii) indicates whether the parent or legal guardian will be obtaining marijuana or marijuana-infused products for the minor through the system of licensed providers and marijuana-infused products providers; and

(iii) the minor's custodial parent or legal guardian with responsibility for health care decisions:

(A) consents to the use of marijuana by the minor;

(B) agrees to control the acquisition of marijuana and the dosage and frequency of the use of marijuana by the minor;

(C) agrees that the minor will use only marijuana-infused products and will not smoke marijuana;

(c) if the parent or guardian will be serving as the minor's provider, undergoes background checks in accordance with subsection (3). The parent or legal guardian shall pay the costs of the background check and may not obtain a license as a marijuana-infused products provider if the parent or legal guardian does not meet the requirements of 50-46-308.

(d) pledges, on a form prescribed by the department, not to divert to any individual any marijuana cultivated or obtained for the minor's use in a marijuana-infused product.

(3) A parent serving as a minor's provider shall submit fingerprints to facilitate a fingerprint and background check by the department of justice and federal bureau of investigation upon the minor's initial application for a registry identification card and every 3 5 years after that. The department shall conduct a name-based background check in years when a fingerprint background check is not required.

(4) An application for a registry identification card for a minor must be accompanied by the written certification and accompanying statements required pursuant to 50-46-310 from a second physician in addition to the minor's treating physician or referral physician.

(5) An individual may not be a registered cardholder if the individual is in the custody of or under the supervision of the department of corrections or a youth court.

~~(6) A registered cardholder who elects to obtain marijuana or marijuana-infused products through the system of licensed providers and marijuana-infused products providers may not cultivate marijuana or manufacture marijuana-infused products for the cardholder's use unless the registered cardholder is a licensed provider or marijuana-infused products provider.~~

~~(7) A registered cardholder may cultivate marijuana and manufacture marijuana-infused products as allowed under 50-46-319 only:~~

~~(a) at a property that is owned by the cardholder; or~~

~~(b) with written permission of the property owner, at a property that is rented or leased by the cardholder.~~

~~(8) No portion of the property used for cultivation of marijuana and manufacture of marijuana-infused products for use by the registered cardholder may be shared with or rented or leased to a provider, a marijuana-infused products provider, or a registered cardholder unless the property is owned, rented, or leased by cardholders who are related to each other by the second degree of kinship by blood or marriage."~~

Section 81. Section 50-46-319, MCA, is amended to read:

~~"50-46-319. Legal protections--allowable amounts.~~ (1) (a) ~~A registered cardholder who has elected to obtain marijuana and marijuana-infused products through the system of licensed providers and marijuana-infused products providers may:~~

~~(i) possess up to 1 ounce of usable marijuana; and~~

~~(ii) purchase a maximum of 5 ounces of usable marijuana a month and no more than 1 ounce of usable marijuana a day.~~

~~(b) (i) A registered cardholder who has elected not to use the system of licensed providers and marijuana-infused products providers may possess up to 4 mature plants, 4 seedlings, and the amount of usable marijuana allowed by the department by rule.~~

~~(ii) If two or more registered cardholders share a residence and have elected not to use the system of licensed providers and marijuana-infused products providers, the cardholders may have a maximum of 8 mature plants, 8 seedlings, and the amount of usable marijuana allowed by the department by rule. The limits in this subsection (1)(b)(ii) apply regardless of the location of the plants and seedlings.~~

~~(iii) A registered cardholder who possesses mature plants or seedlings shall notify the department of the location of the plants and seedlings pursuant to 50-46-303(8)(b).~~

~~(c) (b) A provider or marijuana-infused products provider may have the canopy allowed by the department for the provider or marijuana-infused products provider. The canopy allotment is a cumulative total for all of the provider's or marijuana-infused products provider's registered premises and may not be interpreted as an allotment for each premises.~~

~~(d) (c) (i) A registered cardholder may petition the department for an exception to the monthly limit on purchases. The request must be accompanied by a confirmation from the physician who signed the cardholder's written~~

certification that the cardholder's debilitating medical condition warrants purchase of an amount exceeding the monthly limit.

(ii) If the department approves an exception to the cap, the approval must establish the monthly amount of usable marijuana that the cardholder may purchase and the limit must be entered into the seed-to-sale tracking system.

(2) Except as provided in 50-46-320 and subject to the provisions of subsection (7) of this section, an individual who possesses a registry identification card or license issued pursuant to this part may not be arrested, prosecuted, or penalized in any manner or be denied any right or privilege, including but not limited to civil penalty or disciplinary action by a professional licensing board or the department of labor and industry, solely because:

(a) the person cultivates, manufactures, possesses, or transports marijuana in the amounts allowed under this section; or

(b) the registered cardholder acquires or uses marijuana.

(3) A physician may not be arrested, prosecuted, or penalized in any manner or be denied any right or privilege, including but not limited to civil penalty or disciplinary action by the board of medical examiners or the department of labor and industry, solely for providing written certification for a patient with a debilitating medical condition.

(4) Nothing in this section prevents the imposition of a civil penalty or a disciplinary action by a professional licensing board or the department of labor and industry if:

(a) a registered cardholder's use of marijuana impairs the cardholder's job-related performance; or

(b) a physician violates the standard of care or other requirements of this part.

(5) (a) An individual may not be arrested or prosecuted for constructive possession, conspiracy as provided in 45-4-102, or other provisions of law or any other offense solely for being in the presence or vicinity of the use of marijuana and marijuana-infused products as permitted under this part.

(b) This subsection (5) does not prevent the arrest or prosecution of an individual who is in the vicinity of a registered cardholder's use of marijuana if the individual is in possession of or is using marijuana and is not a registered cardholder.

(6) Except as provided in 50-46-329, possession of or application for a license or registry identification card does not alone constitute probable cause to search the person or individual or the property of the person or individual or otherwise subject the person or individual or property of the person or individual possessing or applying for the license or card to inspection by any governmental agency, including a law enforcement agency.

(7) The provisions of this section relating to protection from arrest or prosecution do not apply to an individual unless the individual has obtained a license or registry identification card prior to an arrest or the filing of a criminal charge. It is not a defense to a criminal charge that an individual obtains a license or registry identification card after an arrest or the filing of a criminal charge.

(8) (a) A registered cardholder, a provider, or a marijuana-infused products provider is presumed to be engaged in the use of marijuana as allowed by this part if the person:

(i) is in possession of a valid registry identification card or license; and

(ii) is in possession of an amount of marijuana that does not exceed the amount permitted under this part.

(b) The presumption may be rebutted by evidence that the possession of marijuana was not for the purpose of alleviating the symptoms or effects of a registered cardholder's debilitating medical condition."

Section 82. Section 50-46-345, MCA, is amended to read:

"50-46-345. Medical marijuana state special revenue account – operating reserve – transfer of excess funds. (1) There is a medical marijuana state special revenue account within the state special revenue fund established in 17-2-102.

(2) The account consists of:

- (a) money deposited into the account pursuant to 50-46-344 and 50-46-347;
- (b) the tax collected pursuant to Title 15, chapter 64, part 1; and
- (c) civil penalties collected under this part.

(3) Except as provided in subsection (4), money in the account must be used by the department for the purpose of administering the Montana Medical Marijuana Act and tracking system development.

~~(4) (a) At the end of each fiscal year, the department shall transfer funds in excess of a \$250,000 operating reserve as provided in this subsection (4).~~

~~(b) At the end of fiscal year 2019:~~

~~(i) the first \$2.5 million in excess funds must be transferred to the mental health services special revenue account provided for in 53-21-1207; and~~

~~(ii) any remaining excess funds must be transferred to the pain management education and treatment special revenue account provided for in 50-46-346.~~

~~(c) At the end of fiscal year 2020 and subsequent fiscal years, any excess funds must be transferred to the pain management education and treatment special revenue account provided for in 50-46-346.~~

~~(4) The account's balance shall be transferred to the marijuana state special revenue account provided for in 16-12-111:~~

~~(a) on July 1, 2021; and~~

~~(b) on December 31, 2021."~~

Section 83. Section 50-46-346, MCA, is amended to read:

"50-46-346. Pain management education and treatment special revenue account. (1) There is a pain management education and treatment account in the state special revenue fund provided for in 17-2-102 to the credit of the department.

(2) The account consists of money transferred into the account as provided in 50-46-345.

(3) Money in the account must be used by the department for:

(a) efforts to educate the public about using pain management techniques and treatments that do not involve the use of opioid drugs; and

(b) a block grant program to pay the costs of the following alternative pain management treatments for individuals who have no other payment source for the treatments:

- (i) acupuncture;
- (ii) chiropractic;
- (iii) physical therapy; and
- (iv) naturopathic physician services.

(4) The block grant program must be operated in accordance with criteria established by the department as allowed under 53-24-204.

~~(5) On July 1, 2021, the account's balance shall be transferred to the marijuana state special revenue account provided for in 16-12-111."~~

Section 84. Section 50-46-347, MCA, is amended to read:

"50-46-347. Provider licensing fees. (1) Unless reduced as allowed under 50-46-303(5)(b), annual license fees for providers and marijuana-infused

products providers are based on the volume of the provider's production of marijuana.

(2) Annual fees for providers and marijuana-infused products providers are:

- (a) \$500 for a provider with a micro tier canopy license;
- (b) \$1,000 for a provider with a tier 1 canopy license;
- (c) \$2,500 for a provider with a tier 2 canopy license;
- (d) \$5,000 for a provider with a tier 3 canopy license;
- (e) \$7,500 for a provider with a tier 4 canopy license;
- (f) \$10,000 for a provider with a tier 5 canopy license;
- (g) \$13,000 for a provider with a tier 6 canopy license;
- (h) \$15,000 for a provider with a tier 7 canopy license;
- (i) \$17,500 for a provider with a tier 8 canopy license; and
- (j) \$20,000 for a provider with a tier 9 canopy license.

(3) A provider of both marijuana and marijuana-infused products is required to have only one canopy license.

(4) The fee required under this part may be imposed based only on the tier of licensure and may not be applied separately to each registered premises used for cultivation under the licensure level.

(5) The department shall charge an annual dispensary license fee in addition to the canopy license fee provided for in subsection (2). The dispensary license fee is based on the total number of registered premises used as dispensaries as follows:

- (a) one registered premises, \$500;
- (b) two or three registered premises, \$5,000
- (c) four or five registered premises, \$25,000; and
- (d) six or more registered premises, \$100,000.

(6) Money collected from license fees paid pursuant to this section must be deposited in the special revenue account provided for in ~~50-46-345~~ *16-12-111*."

Section 85. Section 53-6-1201, MCA, is amended to read:

"53-6-1201. (Subsection (2)(c) effective October 1, 2021) Special revenue fund – health and medicaid initiatives. (1) There is a health and medicaid initiatives account in the state special revenue fund established by 17-2-102. This account is to be administered by the department of public health and human services.

(2) There must be deposited in the account:

- (a) money from cigarette taxes deposited under 16-11-119(2)(c);
- (b) money from taxes on tobacco products other than cigarettes deposited under 16-11-119(4)(b); and

~~(c) money from marijuana taxes deposited under 16-12-111; and~~

~~(d)(c)~~ any interest and income earned on the account.

(3) This account may be used only to provide funding for:

(a) the state funds necessary to take full advantage of available federal matching funds in order to administer the plan and maximize enrollment of eligible children under the healthy Montana kids plan, provided for under Title 53, chapter 4, part 11, and to provide outreach to the eligible children;

(b) a new need-based prescription drug program established by the legislature for children, seniors, chronically ill, and disabled persons that does not supplant similar services provided under any existing program;

~~(c) increased medicaid services and medicaid provider rates. The increased revenue is intended to increase medicaid services and medicaid provider rates and not to supplant the general fund in the trended traditional level of appropriation for medicaid services and medicaid provider rates.~~

(c) increased medicaid services and medicaid provider rates. The increased revenue is intended to increase medicaid services and medicaid provider rates and not to supplant the general fund in the trended traditional level of appropriation for medicaid services and medicaid provider rates.

~~(d)~~(d) an offset to loss of revenue to the general fund as a result of new tax credits; and

(e)(e) grants to schools for suicide prevention activities, for the biennium beginning July 1, 2017.

(4) (a) On or before July 1, the budget director shall calculate a balance required to sustain each program in subsection (3) for each fiscal year of the biennium. If the budget director certifies that the reserve balance will be sufficient, then the agencies may expend the revenue for the programs as appropriated. If the budget director determines that the reserve balance of the revenue will not support the level of appropriation, the budget director shall notify each agency. Upon receipt of the notification, the agency shall adjust the operating budget for the program to reflect the available revenue as determined by the budget director.

(b) Until the programs or credits described in subsections (3)(b) and ~~(3)(d)~~ (3)(d) are established, the funding must be used exclusively for the purposes described in ~~subsections subsections~~ (3)(a) and ~~(3)(e) and~~ (3)(c).

(5) The phrase “trended traditional level of appropriation”, as used in subsection (3)(c), means the appropriation amounts, including supplemental appropriations, as those amounts were set based on eligibility standards, services authorized, and payment amount during the past five biennial budgets.

(5) The phrase “trended traditional level of appropriation”, as used in subsection (3)(c), means the appropriation amounts, including supplemental appropriations, as those amounts were set based on eligibility standards, services authorized, and payment amount during the past five biennial budgets.

~~(6)~~(6) The department of public health and human services may adopt rules to implement this section.”

Section 86. Section 53-21-1207, MCA, is amended to read:

“53-21-1207. Mental health services special revenue account.

(1) There is a mental health services special revenue account within the state special revenue fund established in 17-2-102.

(2) The account consists of:

(a) money transferred into the account ~~as provided in 50-46-345~~; and

(b) money appropriated by the legislature.

(3) Money in the account must be used by the department to pay for services provided by behavioral health peer support specialists pursuant to 53-6-101.”

Section 87. Section 61-8-402, MCA, is amended to read:

“61-8-402. Implied consent – blood or breath tests for alcohol, blood or oral fluid for drugs, or testing for both alcohol and drugs using recognized methods for each – refusal to submit to test – administrative license suspension. (1) A person who operates or is in actual physical control of a vehicle upon ways of this state open to the public is considered to have given consent to a test or tests of the person’s blood or breath for the purpose of determining any measured amount or detected presence of alcohol, or *blood or oral fluid for the purpose of determining any measured amount or detected presence of drugs* in the person’s body.

(2) (a) The test or tests must be administered at the direction of a peace officer when:

(i) the officer has reasonable grounds to believe that the person has been driving or has been in actual physical control of a vehicle upon ways of this state open to the public while under the influence of alcohol, drugs, or

a combination of the two and the person has been placed under arrest for a violation of 61-8-401 or 61-8-465;

(ii) the person is under the age of 21 and has been placed under arrest for a violation of 61-8-410; or

(iii) the officer has probable cause to believe that the person was driving or in actual physical control of a vehicle:

(A) in violation of 61-8-401 and the person has been involved in a motor vehicle accident or collision resulting in property damage;

(B) involved in a motor vehicle accident or collision resulting in serious bodily injury, as defined in 45-2-101, or death; or

(C) in violation of 61-8-465.

(b) The arresting or investigating officer may designate which test or tests are administered.

(3) A person who is unconscious or who is otherwise in a condition rendering the person incapable of refusal is considered not to have withdrawn the consent provided by subsection (1).

(4) If an arrested person refuses to submit to one or more tests requested and designated by the officer as provided in subsection (2), the refused test or tests may not be given except as provided in subsection (5), but the officer shall, on behalf of the department, immediately seize the person's driver's license. The peace officer shall immediately forward the license to the department, along with a report certified under penalty of law stating which of the conditions set forth in subsection (2)(a) provides the basis for the testing request and confirming that the person refused to submit to one or more tests requested and designated by the peace officer. Upon receipt of the report, the department shall suspend the license for the period provided in subsection (8).

(5) If the arrested person has refused to provide a breath, blood, or urine, or oral fluid sample under 61-8-409 or this section in a prior investigation in this state or under a substantially similar statute in another jurisdiction or the arrested person has a prior conviction or pending offense for a violation of 45-5-104, 45-5-106, 45-5-205, 61-8-401, 61-8-406, or 61-8-411 or a similar statute in another jurisdiction, the officer may apply for a search warrant to be issued pursuant to 46-5-224 to collect a sample of the person's blood for testing.

(6) (a) An arrested person who refuses to submit to one or more tests as provided in subsection (4) shall pay the department an administrative fee of \$300, which must be deposited in the state special revenue account established pursuant to subsection (6)(b).

(b) There is a blood-draw search warrant processing account in the state special revenue fund established pursuant to 17-2-102(1)(b). Money provided to the department of justice pursuant to this subsection (6) must be deposited in the account and may be used only for the purpose of providing forensic analysis of a driver's blood to determine the presence of alcohol or drugs.

(c) The department shall adopt rules establishing procedures for the collection, distribution, and strict accountability of any funds received pursuant to this section.

(7) Upon seizure of a driver's license, the peace officer shall issue, on behalf of the department, a temporary driving permit, which is effective 12 hours after issuance and is valid for 5 days following the date of issuance, and shall provide the driver with written notice of the license suspension and the right to a hearing provided in 61-8-403.

(8) (a) Except as provided in subsection (8)(b), the following suspension periods are applicable upon refusal to submit to one or more tests:

(i) upon a first refusal, a suspension of 6 months with no provision for a restricted probationary license;

(ii) upon a second or subsequent refusal within 5 years of a previous refusal, as determined from the records of the department, a suspension of 1 year with no provision for a restricted probationary license.

(b) If a person who refuses to submit to one or more tests under this section is the holder of a commercial driver's license, in addition to any action taken against the driver's noncommercial driving privileges, the department shall:

(i) upon a first refusal, suspend the person's commercial driver's license for a 1-year period; and

(ii) upon a second or subsequent refusal, suspend the person's commercial driver's license for life, subject to department rules adopted to implement federal rules allowing for license reinstatement, if the person is otherwise eligible, upon completion of a minimum suspension period of 10 years. If the person has a prior conviction of a major offense listed in 61-8-802(2) arising from a separate incident, the conviction has the same effect as a previous testing refusal for purposes of this subsection (8)(b).

(9) A nonresident driver's license seized under this section must be sent by the department to the licensing authority of the nonresident's home state with a report of the nonresident's refusal to submit to one or more tests.

(10) The department may recognize the seizure of a license of a tribal member by a peace officer acting under the authority of a tribal government or an order issued by a tribal court suspending, revoking, or reinstating a license or adjudicating a license seizure if the actions are conducted pursuant to tribal law or regulation requiring alcohol or drug testing of motor vehicle operators and the conduct giving rise to the actions occurred within the exterior boundaries of a federally recognized Indian reservation in this state. Action by the department under this subsection is not reviewable under 61-8-403.

(11) A suspension under this section is subject to review as provided in this part.

(12) This section does not apply to tests, samples, and analyses of blood, ~~or~~ breath, ~~or urine~~ used for purposes of medical treatment or care of an injured motorist, related to a lawful seizure for a suspected violation of an offense not in this part, or performed pursuant to a search warrant.

(13) This section does not prohibit the release of information obtained from tests, samples, and analyses of blood or breath for law enforcement purposes as provided in 46-4-301 and 61-8-405(6)."

Section 88. Section 61-8-404, MCA, is amended to read:

"61-8-404. Evidence admissible – conditions of admissibility.

(1) Upon the trial of a criminal action or other proceeding arising out of acts alleged to have been committed by a person in violation of 61-8-401, 61-8-406, 61-8-410, 61-8-411, 61-8-465, or 61-8-805:

(a) evidence of any measured amount or detected presence of alcohol, drugs, or a combination of alcohol and drugs in the person at the time of a test, as shown by an analysis of the person's blood, ~~or~~ breath, ~~or oral fluid~~, is admissible. A positive test result does not, in itself, prove that the person was under the influence of a drug or drugs at the time the person was in control of a motor vehicle. A person may not be convicted of a violation of 61-8-401 based upon the presence of a drug or drugs in the person unless some other competent evidence exists that tends to establish that the person was under the influence of a drug or drugs while driving or in actual physical control of a motor vehicle within this state.

(b) a report of the facts and results of one or more tests of a person's blood, ~~or~~ breath, ~~or oral fluid~~ is admissible in evidence if:

(i) a breath test, *oral fluid screening test*, or preliminary alcohol screening test was performed by a person certified by the forensic sciences division of the department to administer the test;

(ii) a blood sample was analyzed in a laboratory operated or certified by the department or in a laboratory exempt from certification under the rules of the department and the blood was withdrawn from the person by a person competent to do so under 61-8-405(1);

(c) a report of the facts and results of a physical, psychomotor, or physiological assessment of a person is admissible in evidence if it was made by a person trained by the department or by a person who has received training recognized by the department.

(2) If the person under arrest refused to submit to one or more tests under 61-8-402, whether or not a sample was subsequently collected for any purpose, proof of refusal is admissible in any criminal action or proceeding arising out of acts alleged to have been committed while the person was driving or in actual physical control of a vehicle upon the ways of this state open to the public, while under the influence of alcohol, drugs, or a combination of alcohol and drugs. The trier of fact may infer from the refusal that the person was under the influence. The inference is rebuttable.

(3) The provisions of this part do not limit the introduction of any other competent evidence bearing on the question of whether the person was under the influence of alcohol, drugs, or a combination of alcohol and drugs."

Section 89. Section 61-8-405, MCA, is amended to read:

"61-8-405. Administration of tests. (1) Only a physician, registered nurse, or other qualified person acting under the supervision and direction of a physician or registered nurse may, at the request of a peace officer, withdraw blood for the purpose of determining any measured amount or detected presence of alcohol, drugs, or any combination of alcohol and drugs in the person. This limitation does not apply to the sampling of breath.

(2) In addition to any test administered at the direction of a peace officer, a person may request that an independent blood sample be drawn by a physician or registered nurse for the purpose of determining any measured amount or detected presence of alcohol, drugs, or any combination of alcohol and drugs in the person. The peace officer may not unreasonably impede the person's right to obtain an independent blood test. The officer may but has no duty to transport the person to a medical facility or otherwise assist the person in obtaining the test. The cost of an independent blood test is the sole responsibility of the person requesting the test. The failure or inability to obtain an independent test by a person does not preclude the admissibility in evidence of any test given at the direction of a peace officer.

(3) Upon the request of the person tested, full information concerning any test given at the direction of the peace officer must be made available to the person or the person's attorney.

(4) A physician, registered nurse, or other qualified person acting under the supervision and direction of a physician or registered nurse does not incur any civil or criminal liability as a result of the proper administering of a blood test when requested in writing by a peace officer to administer a test.

(5) The department in cooperation with any appropriate agency shall adopt uniform rules for the giving of tests and may require certification of training to administer the tests as considered necessary.

(6) If a peace officer has probable cause to believe that a person has violated 61-8-401, 61-8-406, 61-8-410, 61-8-411, 61-8-465, or 61-8-805 and a sample of blood, breath, urine, *oral fluid*, or other bodily substance is taken from that person for any reason, a portion of that sample sufficient for analysis

must be provided to a peace officer if requested for law enforcement purposes and upon issuance of a subpoena as provided in 46-4-301.”

Section 90. Section 61-8-409, MCA, is amended to read:

“61-8-409. Preliminary alcohol or drug screening test. (1) A person who operates or is in actual physical control of a vehicle upon ways of this state open to the public is considered to have given consent to a preliminary alcohol screening test of the person’s breath, for the purpose of estimating the person’s alcohol concentration, *or a preliminary drug screening test of a person’s oral fluid for the purpose of estimating the person’s drug concentration(s)*, upon the request of a peace officer who has a particularized suspicion that the person was driving or in actual physical control of a vehicle upon ways of this state open to the public while under the influence of alcohol, *drugs, or a combination of alcohol and drugs* or in violation of 61-8-410 or 61-8-465.

(2) The person’s obligation to submit to a test under 61-8-402 is not satisfied by the person submitting to a preliminary alcohol screening test, *preliminary drug screening test, or both* pursuant to this section.

(3) The peace officer shall inform the person of the right to refuse the test and that the refusal to submit to the preliminary alcohol screening test, *preliminary drug screening test, or both* will result in the suspension for up to 1 year of that person’s driver’s license.

(4) If the person refuses to submit to a test under this section, a test will not be given except as provided in 61-8-402(5). However, the refusal is sufficient cause to suspend the person’s driver’s license as provided in 61-8-402.

(5) A hearing as provided for in 61-8-403 must be available. The issues in the hearing must be limited to determining whether a peace officer had a particularized suspicion that the person was driving or in actual physical control of a vehicle upon ways of this state open to the public while under the influence of alcohol or in violation of 61-8-410 and whether the person refused to submit to the *alcohol* test.

(6) The provisions of 61-8-402(3) through (10) that do not conflict with this section are applicable to refusals under this section. If a person refuses a test requested under 61-8-402 and this section for the same incident, the department may not consider each a separate refusal for purposes of suspension under 61-8-402.

(7) A test may not be conducted or requested under this section unless both the peace officer and the instrument used to conduct the preliminary alcohol screening test *or preliminary drug screening test* have been certified by the department pursuant to rules adopted under the authority of 61-8-405(5).”

Section 91. Section 61-8-442, MCA, is amended to read:

“61-8-442. Driving under influence of alcohol or drugs – driving with excessive alcohol concentration – ignition interlock device – 24/7 sobriety and drug monitoring program – forfeiture of vehicle. (1) In addition to the punishments provided in 61-8-714, 61-8-722, and 61-8-465, regardless of disposition and if a probationary license is recommended by the court, the court may, for a person convicted of a first offense under 61-8-401, 61-8-406, 61-8-411, or 61-8-465:

(a) restrict the person to driving only a motor vehicle equipped with a functioning ignition interlock device during the probationary period and require the person to pay the reasonable cost of leasing, installing, and maintaining the device; or

(b) require the person to participate in a court-approved alcohol or drug detection testing program and pay the fees associated with the testing program.

(2) If a person is convicted of a second or subsequent violation of 61-8-401, 61-8-406, 61-8-411, or 61-8-465, in addition to the punishments provided in 61-8-714, 61-8-722, and 61-8-465, regardless of disposition, the court shall:

(a) if recommending that a probationary license be issued to the person, restrict the person to driving only a motor vehicle equipped with a functioning ignition interlock device during the probationary period and require the person to pay the reasonable cost of leasing, installing, and maintaining the device;

(b) require the person to participate in the 24/7 sobriety and drug monitoring program provided for in 44-4-1203 and pay the fees associated with the program or require the person to participate in a court-approved alcohol or drug detection testing program and pay the fees associated with the testing program; or

(c) order that each motor vehicle owned by the person at the time of the offense be seized and subjected to the forfeiture procedure provided under 61-8-421.

(3) Any restriction or requirement imposed under this section must be included in a report of the conviction made by the court to the department in accordance with 61-11-101 and placed upon the person's driving record maintained by the department in accordance with 61-11-102.

(4) The duration of a restriction imposed under this section must be monitored by the department.

(5) *All court-approved alcohol or drug detection testing programs allowed under this section are required to use the state's data management system pursuant to 44-4-1203.*

Section 92. Section 61-11-101, MCA, is amended to read:

"61-11-101. Report of convictions and suspension or revocation of driver's licenses – surrender of licenses. (1) If a person is convicted of an offense for which chapter 5 or chapter 8, part 8, makes mandatory the suspension or revocation of the driver's license or commercial driver's license of the person by the department, the court in which the conviction occurs shall require the surrender to it of all driver's licenses then held by the convicted person. The court shall, within 5 days after the conviction, forward the license and a record of the conviction to the department. If the person does not possess a driver's license, the court shall indicate that fact in its report to the department.

(2) A court having jurisdiction over offenses committed under a statute of this state or a municipal ordinance regulating the operation of motor vehicles on highways, except for standing or parking statutes or ordinances, shall forward a record of the conviction, as defined in 61-5-213, to the department within 5 days after the conviction. The court may recommend that the department issue a restricted probationary license on the condition that the individual comply with the requirement that the person attend and complete a chemical dependency education course, treatment, or both, as ordered by the court under 61-8-732.

(3) A court or other agency of this state or of a subdivision of the state that has jurisdiction to take any action suspending, revoking, or otherwise limiting a license to drive shall report an action and the adjudication upon which it is based to the department within 5 days on forms furnished by the department.

(4) (a) On a conviction referred to in subsection (1) of a person who holds a commercial driver's license or who is required to hold a commercial driver's license, a court may not take any action, including deferring imposition of judgment, that would prevent a conviction for any violation of a state or local traffic control law or ordinance, except a parking law or ordinance, in any type of motor vehicle, from appearing on the person's driving record. The provisions

of this subsection (4)(a) apply only to the conviction of a person who holds a commercial driver's license or who is required to hold a commercial driver's license and do not apply to the conviction of a person who holds any other type of driver's license.

(b) For purposes of this subsection (4), "who is required to hold a commercial driver's license" refers to a person who did not have a commercial driver's license but who was operating a commercial motor vehicle at the time of a violation of a state or local traffic control law or ordinance resulting in a conviction referred to in subsection (1).

(5) (a) If a person who holds a valid registry identification card or license issued pursuant to ~~50-46-307~~ [section 12] or ~~50-46-308~~ 16-12-203 is convicted of or pleads guilty to any offense related to driving under the influence of alcohol or drugs when the initial offense with which the person was charged was a violation of 61-8-401, 61-8-406, 61-8-410, or 61-8-411, the court in which the conviction occurs shall require the person to surrender the registry identification card or license.

(b) Within 5 days after the conviction, the court shall forward the registry identification card and a copy of the conviction to the ~~department of public health and human services~~ *department of revenue*."

Section 93. Veterans and surviving spouses state special revenue account. (1) There is a veterans and surviving spouses account in the state special revenue fund to be administered by the veterans' affairs division of the department of military affairs. The account consists of revenue deposited pursuant to 16-12-111.

(2) The account must be used to provide services and assistance for all Montana veterans and surviving spouses and dependents.

Section 94. Local government taxing authority -- specific delegation. As required by 7-1-112, [sections 94 through 98] specifically delegate to the qualified electors of a county the power to authorize their county to impose a local-option marijuana excise tax within the corporate boundary of the county.

Section 95. Limit on local-option marijuana excise tax rate -- goods subject to tax. (1) The rate of the local-option marijuana excise tax must be established by the election petition or resolution provided for in [section 96], and the rate may not exceed 3%.

(2) The local-option marijuana excise tax is a tax on the retail value of all marijuana and marijuana products sold at an adult-use dispensary or medical marijuana dispensary within a county.

(3) If a county imposes a local-option marijuana excise tax:

(a) 50% of the resulting tax revenue must be retained by the county;

(b) 45% of the resulting tax revenue must be apportioned to the municipalities on the basis of the ratio of the population of the city or town to the total county population; and

(c) the remaining 5% of the resulting tax revenue must be retained by the department to defray costs associated with administering [sections 94 through 98]. The funds retained by the department under this subsection (3)(c) must be deposited into the marijuana state special revenue account established under 16-12-111.

(4) For the purposes of this section, "tax revenue" means the combined taxes collected under any local-option marijuana excise tax collected on retail sales within the county.

Section 96. Local government excise tax-- election required -- procedure -- notice. (1) A county that has permitted an adult-use dispensary or medical marijuana dispensary to operate within its borders pursuant

to 16-12-301 or a county in which the majority of voters voted to approve Initiative Measure No. 190 in the November 3, 2020, general election, may not impose or, except as provided in this section, amend or repeal a local-option marijuana excise tax unless the local-option marijuana excise tax question has been approved by a majority of the qualified electors voting on the question.

(2) The local-option marijuana excise tax question may be presented to the qualified electors of a county by a petition of the electors as provided in 7-5-131, 7-5-132, 7-5-134, 7-5-135, and 7-5-137 or by a resolution of the governing body of the county.

(3) The petition or resolution referring the taxing question must state:

(a) the rate of the tax, which may not exceed 3% of the retail value of all marijuana and marijuana products sold at an adult-use dispensary or medical marijuana dispensary;

(b) the date when the tax becomes effective, which may not be earlier than 90 days after the election; and

(c) the purposes that may be funded by the tax revenue.

(4) On receipt of an adequate petition, the county's governing body shall hold an election in accordance with Title 13, chapter 1, part 5.

(5) (a) Before the local-option marijuana excise tax question is submitted to the electorate, the county shall provide notice of the goods subject to the local-option marijuana excise tax by a method described in 13-1-108.

(b) The notice must be given two times, with at least 6 days separating the notices. The first notice must be given not more than 45 days prior to the election, and the last notice must be given not less than 30 days prior to the election.

(6) Notice of the election must be given as provided in 13-1-108 and include the information listed in subsection (3) of this section.

(7) The question of the imposition of a local-option marijuana excise tax may not be placed before the qualified electors more than once in any fiscal year.

Section 97. Tax administration. (1) Not less than 90 days prior to the date that the local-option marijuana excise tax becomes effective, the county shall notify the department of the results of the election and coordinate with the department to facilitate the administration and collection of the local-option marijuana excise taxes.

(2) The department shall establish by rule:

(a) the times that taxes collected by businesses are to be remitted to the department;

(b) the office or employee of the department responsible for receiving and accounting for the local-option marijuana excise tax receipts;

(c) the office or employee of the department responsible for enforcing the collection of local-option marijuana excise taxes and the methods and procedures to be used in enforcing the collection of local-option marijuana excise taxes due; and

(d) the penalties for failure to report taxes due, failure to remit taxes due, and violations of the administrative ordinance. The penalties may include:

(i) criminal penalties not to exceed a fine of \$1,000 or 6 months' imprisonment, or both;

(ii) civil penalties if the department prevails in a suit for the collection of local-option marijuana excise taxes, not to exceed 50% of the local-option marijuana excise taxes found due plus the costs and attorney fees incurred by the department in the action;

(iii) revocation of an adult-use dispensary license or medical marijuana dispensary license held by the offender; and

- (iv) any other penalties that may be applicable for violation of an ordinance.
- (3) The department's rules may also include:
 - (a) further clarification and specificity in the categories of goods that are subject to the local-option marijuana excise tax;
 - (b) authorization for business administration and prepayment discounts. The discount authorization may allow each vendor and commercial establishment to withhold up to 5% of the local-option marijuana excise taxes collected to defray their costs for the administration of the tax collection.
 - (c) other administrative details necessary for the efficient and effective administration of the tax.
- (4) A county and the department may exchange information collected under the provisions of this chapter that is necessary to implement and administer a local-option marijuana excise tax or the tax collected under Title 15, chapter 64, part 1.

Section 98. Use of local-option marijuana excise tax revenue. Unless otherwise restricted, a county or municipality may appropriate and expend revenue derived from a local-option marijuana excise tax for any activity, undertaking, or administrative service that the municipality is authorized by law to perform, including costs resulting from the imposition of the tax or due to administrative burdens imposed on the municipality as a result of licensing or regulatory requirements imposed in this chapter.

Section 99. Section 80-1-104, MCA, is amended to read:
“**80-1-104. (Bracketed language effective October 1, 2021)**
Analytical laboratory services -- rulemaking authority -- deposit of fees. (1) The department is authorized to provide analytical laboratory services for:

- (a) programs it operates under this title;
- (b) other state or federal agencies;
- ~~(c) providers and marijuana-infused products providers as those terms are defined in 50-46-302;~~
- ~~{(d) adult-use marijuana providers and adult-use marijuana-infused products providers as those terms are defined in 16-12-102;}~~
- (e)(c) the department of public health and human services revenue for the purposes of [Title Title 16, chapter 12, and] Title 50, chapter 46, part 3; as allowed by federal law; and
- ~~(f)(d) private parties.~~

(2) The department may enter into a contract or a memorandum of understanding for the space and equipment necessary for operation of the analytical laboratory.

(3) (a) The department may adopt rules establishing fees for testing services required under this title or provided to another state agency, a federal agency, or a private party.

(b) Money collected from the fees must be deposited in the appropriate related account in the state special revenue fund to the credit of the department to pay costs related to analytical laboratory services provided pursuant to this section.”

Section 100. Healing and ending addiction through recovery and treatment account. (1) There is a healing and ending addiction through recovery and treatment account in the state special revenue fund. The account consists of money transferred to the account pursuant to 16-12-111.

(2) Revenue in the account must be used to provide statewide programs for:

- (a) substance use disorder prevention;
- (b) mental health promotion; and

(c) crisis, treatment, and recovery services for substance use and mental health disorders.

(3) The programs must be designed to:

(a) increase the number of individuals choosing treatment over incarceration;

(b) improve access to, utilization of, and engagement and retention in prevention, treatment, and recovery support services;

(c) expand the availability of community-based services that reflect best practices or are evidence-based;

(d) leverage additional federal funds when available for the healthy Montana kids plan provided for in Title 53, chapter 4, part 11, and the medicaid program provided for in Title 53, chapter 6, for the purposes of this section;

(e) provide funding for programs and services that are described in subsections (2)(a) through (2)(c) and provided on an Indian reservation located in this state; or

(f) provide funding for grants and services to tribes for use in accordance with this section.

(4) (a) An amount not to exceed \$500,000, including eligible federal matching sources when applicable, must be used to provide funding for grants and services to tribes for tobacco prevention and cessation, substance use disorder prevention, mental health promotion, and substance use disorder and mental health crisis, treatment, and recovery services.

(b) The department of public health and human services shall manage the programs funded by the special revenue account and shall adopt rules to implement the programs.

(5) The legislature shall appropriate money from the state special revenue account provided for in this section for the programs referred to in this section.

(6) Programs funded under this section must be funded through contracted services with service providers.

Section 101. Definitions. As used in [sections 101 through 103], unless the context clearly indicates otherwise, the following definitions apply:

(1) “Expungement or resentencing of marijuana conviction court” means the court that is responsible for determining petitions for expungement and resentencing as provided in 16-12-113.

(2) “Petition for expungement or resentencing” means a petition filed pursuant to 16-12-113 seeking expungement or resentencing of a marijuana conviction.

Section 102. Appointment of judge. (1) A petition for expungement or resentencing of a marijuana conviction filed as provided in 16-12-113 may be determined by a judge pro tempore or special master, who must be a member of the bar of the state, agreed on in writing by the petitioner and the county attorney, appointed by the supreme court as provided in 3-5-115, and sworn to determine whether the petitioner meets the criteria for expungement or resentencing as provided in 16-12-113. On appointment, the individual must be designated as the decriminalized marijuana conviction expungement judge.

(2) A judge appointed under subsection (1) has the authority and power of an elected district court judge in the civil action involving petitions filed as provided in 16-12-113. All proceedings must be conducted in accordance with the rules of evidence and procedure governing district courts.

(3) Any determination rendered in a petition by the judge has the same force and effect as if determined by the district court with the regular judge presiding.

(4) A party stipulating to have a petition determined by the judge appointed under subsection (1) may not file a motion for substitution of the judge pursuant to 3-1-804.

(5) All filings relating to a petition filed as provided in 16-12-113 must be filed with the clerk of court in the judicial district in which the marijuana conviction took place. The applicant and the county attorney shall provide a copy of each filing to the judge appointed as provided in subsection (1).

Section 103. Petition for expungement – venue. When the applicant requests a hearing, as provided in 16-12-113, the judge appointed as provided in [section 102] may hear the petition in any venue stipulated by the petitioner and the county attorney, as provided in 25-2-202, or in any venue otherwise determined by the judge in accordance with a stipulation of the petitioner and the county attorney. In stipulating venue, the petitioner and the county attorney shall take into consideration the availability of courtroom facilities. The judge may prepare a list of available courtroom facilities for consideration.

Section 104. Repealer. The following sections of the Montana Code Annotated are repealed:

- 16-12-205. (Effective October 1, 2021) Contracted services.
- 16-12-401. (Effective October 1, 2021) Tax on marijuana sales.
- 16-12-402. (Effective October 1, 2021) Returns -- payment -- recordkeeping -- authority of department.
- 16-12-403. (Effective October 1, 2021) Deficient assessment -- penalty and interest -- statute of limitations.
- 16-12-404. (Effective October 1, 2021) Procedure to compute tax in absence of statement -- estimation of tax -- failure to file -- penalty and interest.
- 16-12-405. (Effective October 1, 2021) Authority to collect delinquent taxes.
- 16-12-406. (Effective October 1, 2021) Refunds -- interest -- limitations.
- 16-12-407. (Effective October 1, 2021) Information -- confidentiality -- agreements with another state.
- 16-12-408. (Effective October 1, 2021) Department to make rules.
- 50-46-301. Short title -- purpose.
- 50-46-302. Definitions.
- 50-46-304. Department responsibility to monitor and assess medical marijuana production, testing, and sales -- license revocation.
- 50-46-303. Medical marijuana registry -- department responsibilities -- issuance of cards and licenses — confidentiality.
- 50-46-305. Canopy tiers -- requirements.
- 50-46-307. Individuals with debilitating medical conditions -- requirements -- minors -- limitations.
- 50-46-308. Provider types -- requirements -- limitations -- activities.
- 50-46-309. Marijuana-infused products provider -- requirements -- allowable activities.
- 50-46-310. Written certification -- accompanying statements.
- 50-46-311. Testing laboratories -- licensing inspections.
- 50-46-312. License as privilege -- criteria.
- 50-46-317. Registry card or license to be exhibited on demand -- photo identification required.
- 50-46-318. Health care facility procedures for patients with marijuana for use.
- 50-46-319. Legal protections -- allowable amounts.
- 50-46-320. Limitations of act.
- 50-46-326. Testing of marijuana and marijuana-infused products.

- 50-46-327. Prohibitions on physician affiliation with providers and marijuana-infused products providers -- sanctions.
- 50-46-328. Local government authority to regulate.
- 50-46-329. Inspections -- procedures -- prohibition on inspector affiliation with licensees.
- 50-46-330. Unlawful conduct by cardholders or licensees -- penalties.
- 50-46-331. Fraudulent representation -- penalties.
- 50-46-332. Confidentiality of registry information -- penalty.
- 50-46-339. Law enforcement authority.
- 50-46-340. Forfeiture.
- 50-46-341. Advertising prohibited.
- 50-46-342. Hotline.
- 50-46-343. Legislative monitoring.
- 50-46-344. Rulemaking authority -- fees.
- 50-46-345. Medical marijuana state special revenue account -- operating reserve -- transfer of excess funds.
- 50-46-346. Pain management education and treatment special revenue account.
- 50-46-347. Provider licensing fees.

Section 105. Transfer of funds. On July 1, 2021, the department of public health and human services is authorized to transfer the fund balances in 50-46-345 and 50-46-346 to the marijuana state special revenue account provided for under 16-12-111.

Section 106. Repealer. Sections 37 and 52, Initiative Measure No. 190, approved November 3, 2020, are repealed.

Section 107. Section 56, Initiative Measure No. 190, approved November 3, 2020, is amended to read:

“**Section 56. Effective dates.** (1) [Sections 8, 16, 23, 36, and 40 through 49] are effective January 1, 2021.

(2) Except as provided in ~~subsection~~ *subsections (1) and (3)*, [this act] is effective on ~~October 1, 2021~~ *January 1, 2022*.

(3) *[Sections 18 and 35] are effective July 1, 2021.*”

Section 108. Appropriation. (1) There is appropriated from the marijuana state special revenue account provided for in 16-12-111 to the department of revenue:

(a) \$6,930,492 for fiscal year 2022, which comprises 34 total FTE. 22 of the 34 FTE represent positions transferred from the department of public health and human services to the department of revenue.

(b) \$4,136,011 for fiscal year 2023 and which comprises 34 total FTE. 22 of the 34 FTE represent positions transferred from the department of public health and human services to the department of revenue.

(c) The appropriations described in subsections (1)(a) and (1)(b) must be used by the department of revenue for the operating costs it incurs when administering the provisions of [this act].

(d) The appropriation provided for in this subsection (1) must be considered a part of the base budget for the 2025 biennium.

(2) (a) (i) The following amounts are appropriated for each year of the 2023 biennium to the department of public health and human services for eligible services and programs in accordance with the HEART fund that is set forth in 17-6-606 [section 100]:

(A) \$6 million in state special revenue funds; and

(B) \$19 million in federal special revenue funds.

(ii) It is the intent of the legislature that these appropriation amounts be included as part of the base budget for the department of public health and human services for the biennium beginning July 1, 2023.

(b) For the 2023 biennium, \$300,000 is appropriated to the department of justice for the purposes described in 16-12-111.

(c) (i) For each year of the 2023 biennium, \$150,000 is appropriated to the board of crime control for the purposes described in 44-7-110.

(ii) It is the intent of the legislature that this appropriation amount be included as part of the base budget for the board of crime control for the biennium beginning July 1, 2023.

(3) (a) The following amounts are appropriated for fiscal year 2022:

(i) the amount distributed pursuant to 16-12-111(4)(b)(ii) but not to exceed \$650,000 to the department of fish, wildlife and parks from the state park account established in 23-1-105(1);

(ii) the amount distributed pursuant to 16-12-111(4)(b)(iii) but not to exceed \$650,000 to the department of fish, wildlife, and parks from the trails and recreational facilities account established in 23-2-108;

(iii) the amount distributed pursuant to 16-12-111(4)(b)(iv) but not to exceed \$650,000 to the department of fish, wildlife, and parks from the nongame wildlife account established in 87-5-121; and

(iv) \$200,000 to the veterans' affairs division of the department of military affairs from the account provided for in [section 93].

(b) The following amounts are appropriated for the fiscal year 2023:

(i) \$5,412,000 from the marijuana state special revenue account provided for in 16-12-111 to the department of fish, wildlife, and parks to be used solely as funding for permanent easements and maintenance;

(ii) \$1,082,000 to the department of fish, wildlife, and parks from the state park account established in 23-1-105(1);

(iii) \$1,082,000 to the department of fish, wildlife, and parks from the trails and recreational facilities account established in 23-2-108;

(iv) \$1,082,000 to the department of fish, wildlife, and parks from the nongame wildlife account established in 87-5-121; and

(v) \$200,000 to the veterans' affairs division of the department of military affairs from the account provided for in [section 93].

Section 109. Required warning labels. A person may not manufacture package, sell, or transfer any marijuana or marijuana product unless the package containing the marijuana or marijuana product bears the following statements in a form required by the department:

(1) "WARNING: Consumption of marijuana may cause anxiety, agitation, paranoia, psychosis, and cannabinoid hyperemesis."

(2) "WARNING: Consumption of marijuana by pregnant women may result in fetal injury and low birth weight."

(3) "WARNING: Consumption of marijuana by nursing mothers may result in infant hyperactivity and poor cognitive function."

Section 110. Notification to tribal governments. The secretary of state shall send a copy of [this act] to each federally recognized tribal government in Montana.

Section 111. Direction to department of revenue, department of public health and human services, and local governments – notification to legislature – transition. (1) The legislature directs the department of revenue to adopt rules to implement the Marijuana Regulation and Taxation Act.

(2) The legislature directs the department of public health and human services to assist the department of revenue with the transfer of FTE,

information, materials, and any other marijuana-related asset that the department of revenue considers necessary to implement the regulation and taxation of marijuana in the state and exercise authority over the regulation of all types of marijuana licenses and the medical marijuana registry in the state.

(3) On or after July 1, 2021, the department of public health and human services is authorized to transfer the fund balances in 50-46-345 and 50-46-346 to the marijuana state special revenue account provided for under 16-12-111.

(4) In fiscal years 2021 and 2022, the department of revenue is not required to seek competitive solicitations or requests for proposals when procuring the products and services associated with the taxation and regulation of marijuana in the state. The department of administration shall allow the department to award a contract to a vendor relating to the development and implementation of an integrated marijuana licensing and taxation system pursuant to the sole source procurement process provided for under 18-4-306.

(5) (a) On July 1, 2021, the department of health and human services shall transfer to the department of revenue the existing license and applicable endorsements for any provider or marijuana-infused products provider that was licensed or had applied for a license with the department of public health and human services on November 3, 2020, and is in good standing with the department of public health and human services as of the date of the transfer.

(b) Existing licenses transferred pursuant to subsection (5)(a) shall be accepted and administered by the department of revenue in accordance with 16-12-201(2) and rules adopted by the department of revenue for the time periods set forth in 16-12-201(2).

(c) The intent of the legislature with this subsection (5) and the provisions of 16-12-201(2) is that a provider or marijuana-infused products provider that was licensed or had applied for a license with the department of public health and human services on November 3, 2020, will be able to continue providing marijuana and marijuana products to registered cardholders without disruption while also obtaining the appropriate licensure under this Act in an expedient manner.

(6) Local governments are encouraged to begin the process to approve any or all marijuana business categories in accordance with [16-12-301], if required, implement the local-option excise tax in accordance with [sections 94 through 98], or both beginning on July 1, 2021, in anticipation of the department of revenue beginning to accept applications for licensure on January 1, 2022.

Section 112. Codification instruction. (1) [Sections 1, 2, and 101 through 103] are intended to be codified as an integral part of Title 16, chapter 12, part 1, and the provisions of Title 16, chapter 12, part 1, apply to [sections 1, 2, and 101 through 103].

(2) [Sections 3 through 7 and 109] are intended to be codified as an integral part of Title 16, chapter 12, part 2, and the provisions of Title 16, chapter 12, part 2, apply to [sections 3 through 7 and 109].

(3) [Section 8] is intended to be codified as an integral part of Title 61, chapter 8, part 4, and the provisions of Title 61, chapter 8, part 4, apply to [section 8].

(4) [Sections 9 through 23 and 100] are intended to be codified as a new part in Title 16, chapter 12, and the provisions of Title 16, chapter 12, apply to [sections 9 through 23 and 100].

(5) [Section 93] is intended to be codified as an integral part of Title 10, chapter 2, and the provisions of Title 10, chapter 2, apply to [section 93].

(6) [Sections 94 through 98] are intended to be codified as an integral part of Title 16, chapter 12, part 3, and the provisions of Title 16, chapter 12, part 3, apply to [sections 94 through 98].

Section 113. Severability. If a part of [this act] is invalid, all valid parts that are severable from the invalid part remain in effect. If a part of [this act] is invalid in one or more of its applications, the part remains in effect in all valid applications that are severable from the invalid applications.

Section 114. Coordination instruction. If both Senate Bill No. 156 and [this act] are passed and approved, then [section 3 of Senate Bill No. 156], amending 16-12-104, is void.

Section 115. Contingent voidness. If the Montana supreme court determines that Initiative Measure No. 190, approved November 3, 2020, other than the portions relating to revenue distribution, is in violation of the Montana constitution and the constitutional infirmity invalidates the entire initiative, then both Initiative Measure No. 190 and [this act] are void.

Section 116. Effective dates. (1) Except as provided in subsections (2) and (3), [this act] is effective January 1, 2022.

(2) [Sections 41(1)(a), (1)(b), (1)(c), and (10) through (12); 79(2) and (8)(b); 80, 81, 107, 111, 114, and this section] are effective on passage and approval.

(3) [Sections 46, 59, 78, 79(11), 82 through 84, 101 through 103, 105, 106, and 108] are effective July 1, 2021.

Section 117. Termination. (1) [Section 38(15)(b)(ii)] terminates October 1, 2023. After October 1, 2023, a hoop house is not an indoor cultivation facility.

(2) [Section 46(4)(b)(vi)] terminates June 30, 2025.

Approved May 18, 2021

CHAPTER NO. 577

[HB 691]

AN ACT ESTABLISHING REQUIREMENTS FOR CRISIS RESPONSE SERVICES IN THE DEVELOPMENTAL DISABILITIES SYSTEM; PROVIDING DIRECTION TO THE DEPARTMENT OF PUBLIC HEALTH AND HUMAN SERVICES ON THE USE OF EXISTING FUNDING; PROVIDING RULEMAKING AUTHORITY; PROVIDING AN APPROPRIATION; AMENDING SECTION 53-20-204, MCA; AND PROVIDING AN EFFECTIVE DATE.

Be it enacted by the Legislature of the State of Montana:

Section 1. Crisis response services – department and provider responsibilities. (1) (a) The department shall establish crisis response services to help individuals with developmental disabilities minimize or avoid instances of crisis. The services must assist providers and families in preventing, deescalating, and intervening in instances in which individuals with developmental disabilities are likely to go into crisis.

(b) For the purposes of this section, “crisis” means an instance in which an individual is upset, afraid, confused, or otherwise experiencing emotional or physical disequilibrium, which negatively affects the individual’s actions and places the individual at risk of incarceration, hospitalization, civil commitment, or loss of the individual’s placement in community services.

(2) The crisis response services must consist of three different levels of prevention, intervention, and crisis support services:

(a) a preventive level of response that involves training providers and families in identifying and preventing crisis and in responding to a crisis in its initial stages before the crisis escalates to require a higher level of intervention;

(b) an intermediate level of response that involves providing direct professional staff support to an individual in the individual’s current community placement when the individual is in or is approaching crisis; and

(c) an advanced level of response that involves qualified providers providing support services to an individual approaching or in crisis outside of the individual’s current community placement. A provider offering crisis support services at this level must receive an enhanced reimbursement rate that reflects the higher level of support being provided to the individual in crisis.

(3) (a) To access crisis response services, providers shall:

(i) contact the department for assistance when an individual with developmental disabilities is in or is approaching crisis; and

(ii) implement the suggestions made for crisis response.

(b) If the individual needs the highest level of response, the department shall find an appropriate placement for the individual if the provider is unable to offer the level of response needed to mitigate the crisis and maintain the individual in the current placement.

(4) (a) A person offering training in crisis response or providing direct crisis response services must:

(i) be licensed in the practice of applied behavior analysis pursuant to Title 37, chapter 17; and

(ii) meet other requirements established by the department by rule.

(b) If a team of individuals is offering training under this section, at least one member of the team must meet the licensure requirements of Title 37, chapter 17.

(5) The department may not provide the training or direct services described under this section and shall contract with one or more private entities for the services.

(6) In developing and carrying out crisis response services, the department shall consult with and include other entities that respond to crisis situations involving individuals with developmental disabilities, including but not limited to law enforcement agencies, hospitals, and mental health providers.

Section 2. Section 53-20-204, MCA, is amended to read:

“53-20-204. Rules. (1) The department may adopt rules necessary for the proper administration of this part, *including but not limited to:*

(a) *the training and other standards necessary to provide crisis support services as allowed under [section 1]; and*

(b) *the reimbursement rates for crisis support services provided pursuant to [section 1].*

(2) The department shall adopt rules in cooperation with the board of nursing under which a properly trained staff member of a facility providing services to persons with developmental disabilities under this part may assist and supervise a client of the facility in taking medication if the medication is usually self-administered and if a physician has prescribed the assistance.”

Section 3. Appropriation. ~~(1) There is appropriated \$231,000 from the federal special revenue fund and \$231,000 from the general fund to the department of public health and human services for the biennium beginning July 1, 2021.~~

~~(2) The appropriation may be used only for the crisis response services provided for in [section 1].~~

~~(3) The legislature intends that funding for the program be considered a part of the ongoing base for the next legislative session.~~

Section 4. Direction to department of public health and human services – reporting requirement. (1) The department of public health and human services shall replace the services currently provided by the behavior consultation team in the developmental services division with the crisis response services established pursuant to [section 1]. During the biennium beginning July 1, 2021, the department shall develop the crisis response services provided for in [section 1] by using the appropriation in [section 3], which is intended to consist of money built into the base budget in the House Bill No. 2 appropriation for the developmental services division for the 2023 biennium and representing the amount of money allocated for the behavior consultation team in the 2021 biennium.

(2) The appropriation in [section 3] and the coordination instruction in [section 6] represent the legislature’s intent that the crisis response services be funded with a combination of existing federal special revenue and general fund money.

(3) The department may implement the crisis response services in areas of the state with the highest need if existing funding does not allow for development of statewide crisis response services.

(4) The department shall report to the 2021-2022 children, families, health, and human services interim committee on:

(a) the status of the implementation of the crisis response services;

(b) the number of community providers who received training in crisis prevention and intervention;

(c) the amount and type of direct services provided to individuals in their community placement settings pursuant to [section 1(2)(b)];

(d) the number of individuals receiving advanced crisis support services pursuant to [section 1(2)(c)] and the cost of the services provided;

(e) to the extent possible, the degree to which higher levels of crisis response were avoided because of the training, prevention, or intervention services that were provided; and

(f) the cost of expanding the program in the future, if statewide services cannot be carried out within existing resources.

Section 5. Codification instruction. [Section 1] is intended to be codified as an integral part of Title 53, chapter 20, part 2, and the provisions of Title 53, chapter 20, part 2, apply to [section 1].

Section 6. Coordination instruction. If both House Bill No. 2 and [this act] are passed and approved and [this act] contains an appropriation from the federal special revenue fund and the general fund to the department of public health and human services totaling \$718,000 or more for the biennium beginning July 1, 2021, then the House Bill No. 2 appropriation for the developmental services division of the department of public health and human services must be reduced by the following amounts in each year of the biennium:

\$115,500 federal special revenue

\$115,500 general fund.

Section 7. Effective date. [This act] is effective July 1, 2021.

RESOLUTIONS

Adopted by the

SIXTY-SEVENTH LEGISLATURE
IN REGULAR SESSION

Held at Helena, the Seat of Government
January 4, 2021, through April 29, 2021

COMPILED BY MONTANA
LEGISLATIVE SERVICES DIVISION

House Joint Resolutions**HOUSE JOINT RESOLUTION NO. 4**

A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA REQUESTING AN INTERIM STUDY OF THE CRIMINAL COMMITMENT PROCESS AND PLACEMENT OF INDIVIDUALS WITH MENTAL ILLNESS; AND REQUIRING THAT THE FINAL RESULTS OF THE STUDY BE REPORTED TO THE 68TH LEGISLATURE.

WHEREAS, in 1979 the Montana Legislature eliminated a criminal defendant's right to raise the so-called "insanity defense" to avoid conviction on the grounds the defendant was suffering from a mental disorder that made the defendant unable to understand the criminal nature of the acts at issue or to conform to the requirements of the law; and

WHEREAS, Montana is one of only four states in the United States without the "insanity defense", using instead a nonstandard legal practice that has an unclear role in and impact on the safety of our communities, recidivism rates, and overall criminal justice costs; and

WHEREAS, state law now includes a variety of different medical legal categories for defendants and offenders in Montana's criminal justice system, including guilty but mentally ill, not guilty due to mental illness, and unfit to proceed to trial; and

WHEREAS, these medical legal categories help determine whether a defendant can be tried for a crime, whether the person acted purposely or knowingly when committing a crime, and whether the person was able to appreciate the criminality of the act or was able to act within the law; and

WHEREAS, state law now requires a court to determine whether a defendant is fit to proceed to trial, whether the person acted purposely or knowingly when committing a crime, and whether the person was able to appreciate the criminality of the act or was able to act within the law; and

WHEREAS, if a judge finds that the person was guilty of the crime but suffered from a mental disorder at the time the crime was committed, the judge is required to sentence the person to the director of the Department of Public Health and Human Services for placement in an appropriate facility; and

WHEREAS, the number of these criminal commitments has increased in recent years, putting pressure on the Montana State Hospital to accommodate not only individuals placed at the facility through the civil commitment process but also those committed to the facility through the criminal justice system; and

WHEREAS, in 2016 the Department of Public Health and Human Services created a 54-bed Forensic Mental Health Facility at Galen for people who have been criminally committed to the department; and

WHEREAS, the Department of Corrections is seeing more offenders with complex mental health issues because individuals found guilty but mentally ill are being transferred to the Department of Corrections when they are too aggressive for Department of Public Health and Human Services facilities or have received maximum therapeutic benefit from the treatment being provided; and

WHEREAS, increasing numbers of youth with mental illnesses or mental health issues are being committed to Department of Corrections youth facilities; and

WHEREAS, the Legislature has not closely examined the Forensic Mental Health Facility's role in Montana's mental health and criminal justice system. NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA:

That the Legislative Council be requested to designate an appropriate interim committee or statutory committee, pursuant to section 5-5-217, MCA, or direct sufficient staff resources to:

(1) analyze the legal framework around the statutes involving the determination of criminality for defendants with mental illness and the criminal commitment and other processes involving trial disposition, treatment, sentencing, and conditional release and monitoring;

(2) examine the use of the Forensic Mental Health Facility, including criteria for admission to the facility, the number of people placed at the facility for pretrial evaluations, the number placed at the facility on sentencing, and the number transferred to the facility from the Montana State Prison or other correctional facilities;

(3) review the availability of the Forensic Mental Health Facility for people being held in local correctional facilities

(4) the costs of operating the facility; and

(5) the optimal role of the facility in Montana's mental health and criminal justice systems.

BE IT FURTHER RESOLVED, that the study include input from appropriate stakeholders, including but not limited to county attorneys, district court judges, law enforcement organizations, mental health professionals, the Department of Public Health and Human Services, the Department of Corrections, family members of individuals in the correctional system with mental illness, including family members of those in the Forensic Mental Health Facility, and representatives of organizations serving and advocating for people with mental illness.

BE IT FURTHER RESOLVED, that all aspects of the study, including presentation and review requirements, be concluded prior to September 15, 2022.

BE IT FURTHER RESOLVED, that the final results of the study, including any findings, conclusions, comments, or recommendations of the appropriate committee, be reported to the 68th Legislature.

Adopted April 22, 2021

HOUSE JOINT RESOLUTION NO. 5

A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA ON THE FEDERAL TAXATION OF GUNS.

WHEREAS, the federal government, under the administration of President Biden, is promoting the taxation of privately owned guns; and

WHEREAS, the Second Amendment of the United States Constitution states that "... the right of the people to keep and bear Arms shall not be infringed"; and

WHEREAS, the word "infringement" means "an encroachment, as of a right or privilege"; and

WHEREAS, we, the duly elected representatives of the State of Montana, believe such taxation is an unconstitutional infringement of the constitutional right of all of our citizens to keep and bear arms.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA:

That the State of Montana, through the vote of its duly elected state senators and representatives, declare that the taxation of privately held guns is unconstitutional and does not have the power of law and is, therefore, unenforceable.

BE IT FURTHER RESOLVED, that in the event of the introduction of any such legislation, our United States senators and representative be directed to vociferously voice this opinion of the citizens of the State of Montana to the United States Senate and House of Representatives, respectively.

BE IT FURTHER RESOLVED, that in the event of the introduction of such a bill, our United States senators and representative be directed to vote unanimously against the legislation or any other legislation that may in any way infringe on the constitutional right to bear arms.

BE IT FURTHER RESOLVED, that the Secretary of State send a copy of this resolution to each member of the Montana Congressional Delegation, the Majority and Minority Leaders of the United States Senate and House of Representatives, the President of the United States, the Governor of Montana, the Montana Attorney General, the Montana State Superintendent of Schools, and the Montana State Auditor.

Adopted April 15, 2021

HOUSE JOINT RESOLUTION NO. 6

A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA REQUESTING AN INTERIM STUDY OF MONTANA'S COAL SEVERANCE TAX TRUST FUND.

WHEREAS, as directed by Article IX, section 5, of the Montana Constitution, the coal severance tax trust fund receives 50% of total coal severance tax collections, and the money flows through five subtrust funds; and

WHEREAS, the other 50% of the coal severance tax revenue is distributed to several funds outside of the coal severance tax trust fund; and

WHEREAS, coal severance tax dollars are used to assist with local government infrastructure projects, the Treasure State Endowment Program, regional water systems, the Big Sky Economic Development Program, long-range building, state parks, funding for renewable resource projects, and a variety of other programs important to the State of Montana; and

WHEREAS, as Montana looks into the future, faced with infrastructure challenges and spiraling expenses, the state must determine how best to continue to grow the principal in the coal severance tax trust fund and how best to devote resources from the fund to these challenges.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA:

That the Legislative Council be requested to designate an appropriate interim committee or statutory committee, pursuant to section 5-5-217, MCA, or direct sufficient staff resources to:

(1) review uses of the coal severance tax and utilization of the coal severance tax trust fund;

(2) determine:

(a) projected infrastructure costs in the state and how, if at all, the coal severance tax trust fund can be used to pay for those costs;

(b) market and export opportunities; and

(c) long-term interest rates and future investment strategies;

(3) review forecasts for coal extraction in Montana and what those numbers mean for the coal severance tax trust fund;

(4) analyze energy resources in Montana and review potential severance or production taxes to assist in protecting the fund; and

(5) assess whether the Legislature should revisit the current allocations and uses of the funds.

BE IT FURTHER RESOLVED, that if the study is assigned to staff, any findings or conclusions be presented to and reviewed by an appropriate committee designated by the Legislative Council.

BE IT FURTHER RESOLVED, that all aspects of the study, including presentation and review requirements, be concluded prior to September 15, 2022.

BE IT FURTHER RESOLVED, that the final results of the study, including any findings, conclusions, comments, or recommendations of the appropriate committee, be reported to the 68th Legislature.

Adopted March 30, 2021

HOUSE JOINT RESOLUTION NO. 7

A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA URGING CONGRESS, THE DEPARTMENT OF THE INTERIOR, AND THE BUREAU OF RECLAMATION TO REPAIR THE FUNDING ALLOCATION AND AUTHORIZE FUNDING FOR THE REPLACEMENT AND REHABILITATION OF THE ST. MARY RIVER DIVERSION AND MILK RIVER PROJECT.

WHEREAS, the United States Bureau of Reclamation authorized the Milk River Project in 1903 to provide water for irrigation by means of the St. Mary River dam and diversion, 29 miles of canals, 2 sets of siphon tubes, 5 hydraulic drop structures, Lake Sherburne, Bowdoin National Wildlife Refuge, and the Fresno and Nelson reservoirs; and

WHEREAS, since its completion, the Milk River Project provides drinking water to more than 19,000 people along the Hi-Line from Havre to the confluence with the Missouri River near Nashua; and

WHEREAS, water from Lake Sherburne and the Fresno and Nelson reservoirs supplies more than 700 farms that feed 1,000,000 people annually, provides water compact requirements for the Blackfeet Tribe and the Gros Ventre and Assiniboine Tribes of the Fort Belknap Indian Reservation, and creates recreation opportunities and critical habitat for fish and wildlife; and

WHEREAS, 6 out of every 10 years the Milk River in the United States would be dry without the St. Mary River diversion; and

WHEREAS, for more than 20 years the Milk River Project has been the focus of past and present congressional members to provide funding for the repair and replacement of the 106-year-old system; and

WHEREAS, after the Drop 5 structure failed on May 17, 2020, Milk River Project beneficiaries paid 48% of the \$8 million cost to replace the Drop 2 and Drop 5 structures and to improve the Drop 1 structure, and

WHEREAS, with the total cost for replacement and rehabilitation being estimated at more than \$200 million, the current project funding allocation that requires project beneficiaries to pay for 74% of this estimated cost is not sustainable for those who rely on the Milk River.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA:

That the State of Montana support funding for the repair and replacement of the St. Mary River diversion and Milk River Project immediately and ask for appropriation funding to complete the much-needed repairs and replacement of the diversion and project.

BE IT FURTHER RESOLVED, that the United States Congress be urged to fix the United States Bureau of Reclamation's funding allocation required of project beneficiaries to make it reasonable and affordable.

BE IT FURTHER RESOLVED, that the Secretary of State send copies of this resolution to the Montana Congressional Delegation, the President of the United States, the United States Secretary of the Interior, and the Commissioner of the Bureau of Reclamation.

Adopted March 17, 2021

HOUSE JOINT RESOLUTION NO. 8

A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA REQUESTING AN INTERIM STUDY OF MONTANA'S PUBLIC EMPLOYEE RETIREMENT SYSTEMS AND THE DEVELOPMENT OF RECOMMENDATIONS FOR A LONG-TERM STRATEGIC APPROACH TO FUNDING THE RETIREMENT SYSTEMS RECOGNIZING THE CONCERNS OF ALL STAKEHOLDERS, INCLUDING THE CITIZENS OF MONTANA.

WHEREAS, the Montana Legislature, by statute, determines the benefit structures and funding policies for nine statewide defined benefit retirement plans covering more than 52,000 active and 43,000 retired state, local government, and school district employees and involving more than \$11.7 billion in assets and nearly \$18 billion in liabilities; and

WHEREAS, of total annual contributions to Montana's eight cost-sharing defined benefit public employee retirement systems, more than \$195 million is contributed by employees and nearly \$240 million is contributed by employers; and

WHEREAS, nearly 60% of employer contributions to these retirement systems is paid by local governments and more than \$180 million is paid from the state general fund through statutory appropriations and as supplemental contributions; and

WHEREAS, these contributions represent a significant investment for employees, local governments, school districts, and the state; and

WHEREAS, the state of Montana is fortunate to count among its many assets a committed and dedicated workforce and recognizes the value of retirement systems for compensating, recruiting, and retaining quality public employees who provide public safety, education, and other valued public services in our communities; and

WHEREAS, retirement benefits paid to Montana retirees have a significant economic benefit for local communities; and

WHEREAS, the state of Montana recognizes that governmental power is derived from the people and that the state has an absolute duty to protect the rights of its citizens and understands that all revenue used to pay for public services, including retirement system contributions, comes from and is derived from its citizens; and

WHEREAS, it is in the best interest of our state and its future financial viability to ensure that recommendations related to its public employee retirement systems will not only support and promote necessary governmental

services and the public employees who provide those services, but also recognize the financial burden placed on its citizens to support those services and employees.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA:

That the Legislative Council be requested to assign the study pursuant to the ranking process described in section 5-5-217, MCA, to the State Administration and Veterans' Affairs Interim Committee and that the committee be requested to:

(1) study the financial stability of Montana's defined benefit public employee retirement systems;

(2) use the assistance of independent certified professional actuaries, if funding is made available by the Legislature for the actuarial services;

(3) investigate the actuarial impact on funded ratios and amortization schedules of alternative funding policies for determining required contributions and consider selected scenarios, recognizing the funding sources for and the relative health or weakness of these unique systems;

(4) review and study the governance structure of the public employee retirement systems;

(5) examine legislative education, oversight, and goals concerning the public employee retirement systems, including decision benchmarks or indicators for future action; and

(6) develop recommendations for a long-term strategic approach to setting contribution rates that will ensure the financial strength and resilience of the retirement systems while recognizing the responsibility placed on the taxpayers and citizens of this state.

BE IT FURTHER RESOLVED, that the State Administration and Veterans' Affairs Interim Committee invite two members of the Legislative Finance Committee, a Senate member and a House of Representatives member, one from the majority party and one from the minority party, to participate with, but not be voting members of, the State Administration and Veterans' Affairs Interim Committee on matters related to this study.

BE IT FURTHER RESOLVED, that the Legislative Services Division provide research, legal, and administrative staff support for the State Administration and Veterans' Affairs Interim Committee in accordance with section 5-11-112(1)(d)(i), MCA, and that the State Administration and Veterans' Affairs Interim Committee presiding officer may request that the Legislative Fiscal Division provide fiscal analysis as needed in accordance with section 5-12-302(5), MCA.

BE IT FURTHER RESOLVED, that the study be conducted and the recommendations be developed in consultation with all interested stakeholders, including but not limited to representatives of:

(a) the state's taxpayers;

(b) active and retired members of the retirement systems;

(c) employers, including local governments, school districts, and state agencies;

(d) key agencies, including the Governor's office, the retirement boards, and the Board of Investments; and

(e) other interested parties as considered appropriate.

BE IT FURTHER RESOLVED, that all aspects of the study, including presentation and review requirements, be concluded prior to September 15, 2022.

BE IT FURTHER RESOLVED, that the final results of the study, including any findings, conclusions, comments, or recommendations, be reported to the 68th Legislature.

Adopted April 12, 2021

HOUSE JOINT RESOLUTION NO. 9

A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA URGING THE PRESIDENT OF THE UNITED STATES AND THE UNITED STATES CONGRESS TO END THE ENDLESS WAR IN AFGHANISTAN, TO REPEAL THE 2001 AUTHORIZATION FOR USE OF MILITARY FORCE, TO TAKE NO ACTION TO EMPLOY MILITARY FORCES OF THE UNITED STATES IN ACTIVE DUTY COMBAT UNLESS THE UNITED STATES CONGRESS HAS PASSED AN OFFICIAL DECLARATION OF WAR OR HAS TAKEN AN OFFICIAL ACTION OR RENEWED ACTION TO AUTHORIZE THE USE OF MILITARY FORCE, AND TO EXECUTE A PRUDENT FOREIGN POLICY.

WHEREAS, Article I, section 8, of the Constitution of the United States vests in the United States Congress the exclusive power to declare war; and

WHEREAS, despite the clear language of the Constitution of the United States, the United States Congress has abdicated its constitutional duty, too often vesting the power to make war solely in the Executive Branch; and

WHEREAS, the first President, George Washington, wrote: "The Constitution vests the power of declaring war in Congress; therefore no offensive expedition of importance can be undertaken until after they shall have deliberated upon the subject and authorized such a measure"; and

WHEREAS, the father of the Constitution of the United States and the fourth President, James Madison, wrote: "The Constitution supposes, what the history of all governments demonstrates, that the Executive is the branch of power most interested in war, and most prone to it... It has accordingly with studied care vested the question of war in the Legislature"; and

WHEREAS, the author of the Declaration of Independence and the third President, Thomas Jefferson, wrote: "We have already given in example one effectual check to the dog of war by transferring the power of letting him loose from the Executive to the Legislative body..." and "Considering that Congress alone is constitutionally invested with the power of changing our condition from peace to war, I have thought it my duty to await their authority for using force in any degree which could be avoided"; and

WHEREAS, another constitutional framer and the first Secretary of the Treasury, Alexander Hamilton, wrote: "The Congress shall have the power to declare war"; the plain meaning of which is that it is the peculiar and exclusive duty of the United States Congress, when the nation is at peace, to change that state into a state of war; and

WHEREAS, contrary to these clear intentions of the Founding Fathers, the United States Congress has not declared war in over 70 years, and the nation has since gone to war repeatedly at the direction of the Executive Branch; and

WHEREAS, even when the United States Congress has passed authorizations for the use of military force in the past 70 years, they have featured broad and unspecific language that has consistently empowered the Executive Branch to engage in open-ended war with little to none of the oversight and debate about our foreign policy that the Founding Fathers intended; and

WHEREAS, less than one-fifth of current members of the United States Congress voted on the 2001 Authorization for the Use of Military Force, the authority for sending American troops into war in Afghanistan; and

WHEREAS, the United States was justified in its initial response to the 9/11 attacks, and through their valiant efforts our military long ago accomplished our principal strategic goals of bringing the perpetrators to justice, decimating core Al-Qaeda, and severely punishing the Taliban; and

WHEREAS, the United States' continued nation-building attempts in Afghanistan ever since have resulted in the longest war in American history, now old enough that children of our first war fighters can join the military and be deployed to the same war zone their parents served; and

WHEREAS, due to its broad and unspecific language, the 2001 Authorization for the Use of Military Force has been invoked over 41 times to deploy United States troops to over 19 countries since 2001, far beyond the intended scope of its sponsors; and

WHEREAS, the decision to put an American troop in harm's way is among the most important votes a Legislator can take; and

WHEREAS, Montana is home to Malmstrom Air Force Base, nearly 9,000 active duty and reserve military personnel, and over 92,000 veterans, giving it the third-highest percentage of veteran residents of any state; and

WHEREAS, the United States' post-9/11 wars have carried a heavy price, including more than 7,000 service members lost, over 53,000 wounded, an estimated 1.1 million veterans who have developed service-connected disabilities, and over \$6.4 trillion spent; and

WHEREAS, the costs of these open-ended conflicts include an increase in Post-Traumatic Stress Syndrome, faced by nearly a quarter of Iraq and Afghanistan veterans, and veteran suicides, which have increased a shocking 43% between 2005 and 2017 to nearly 17 a day; and

WHEREAS, over two-thirds of American veterans support bringing our troops home from Afghanistan, according to 2021 polling.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA:

(1) That the President of the United States and the United States Congress be urged to take no action to employ military forces of the United States in active-duty combat unless and until the United States Congress has passed an official declaration of war or has taken an official action or renewed action to authorize the use of military force save in instances when our forces must respond to attack.

(2) That the President of the United States and the United States Congress be urged to repeal the 2001 Authorization for the Use of Military Force and to ensure any future authorizations feature geographic and mission-specific language on their intended scope, regular reporting on their use, and automatic sunsets to require their periodic review, debate, and approval by recorded vote.

(3) That the State of Montana call on the President of the United States and the United States Congress to continue to follow through on the progress made since February 2020 toward a full withdrawal from Afghanistan, and to end any periods of endless or perpetual armed conflict with no clear conditions of conclusion or connection to our vital national interests that risk the lives of our military members.

(4) That the State of Montana reaffirm its support of our armed forces who have sworn to protect and defend our nation's freedom and prosperity.

(5) That the Secretary of State send a copy of this resolution to the President of the United States, the Majority Leader of the United States Senate, the

Speaker of the United States House of Representatives, and the members of the Montana Congressional Delegation with the request that this resolution be officially entered into the congressional record.

Adopted April 20, 2021

HOUSE JOINT RESOLUTION NO. 10

A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA REQUESTING AN INTERIM STUDY TO ASSESS AND PREPARE FOR THE OPERATION OF AUTONOMOUS VEHICLES ON MONTANA ROADWAYS; AND REQUIRING THE FINAL RESULTS OF THE STUDY BE REPORTED TO THE 68TH LEGISLATURE.

WHEREAS, some new model vehicles are equipped for semiautonomous operation and fully autonomous vehicles are currently in limited use, but usage is expected to grow; and

WHEREAS, autonomous vehicles may have significant effects on road safety, road maintenance, vehicle registration, operator licensing, vehicle repair and modification, and accident liability and security; and

WHEREAS, individual states have been responsible for setting the standards for vehicle registration, operator licensing, and other related traffic laws; and

WHEREAS, state policy and laws to accommodate the growing market for autonomous vehicles should be developed with the involvement of experts and stakeholders from both the private sector and public agencies.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA:

That the Legislative Council be requested to designate an appropriate interim committee or statutory committee, pursuant to section 5-5-217, MCA, or direct sufficient staff resources to:

(1) analyze the legal framework and the statutes involving the use of autonomous vehicles, including platooning, in Montana;

(2) examine federal, state, and local policies that relate to the operation of autonomous vehicles, including model state policy and current and possible federal regulatory tools;

(3) review potential impacts to tax collections and road maintenance in Montana;

(4) analyze liabilities and regulatory changes necessary to address liabilities that could arise by allowing autonomous vehicles on public highways; and

(5) recommend the role of autonomous vehicle technology and infrastructure in contributing to the state's economic and quality of life.

BE IT FURTHER RESOLVED, that the study include input from appropriate stakeholders, including but not limited to the Department of Transportation, the Department of Justice's Motor Vehicle Division, the Montana Highway Patrol, and representatives of the auto and insurance industry.

BE IT FURTHER RESOLVED, that all aspects of the study, including presentation and review requirements, be concluded prior to September 15, 2022.

BE IT FURTHER RESOLVED, that the final results of the study, including any findings, conclusions, comments, or recommendations of the appropriate committee, be reported to the 68th Legislature.

Adopted March 24, 2021

HOUSE JOINT RESOLUTION NO. 14

A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA URGING CONGRESS TO CATEGORIZE PUBLIC SAFETY TELECOMMUNICATORS AS A PROTECTIVE SERVICE OCCUPATION UNDER THE FEDERAL STANDARD OCCUPATIONAL CLASSIFICATION SYSTEM.

WHEREAS, public safety telecommunicators play a critical role in emergency response; and

WHEREAS, the work public safety telecommunicators perform goes far beyond merely relaying information between the public and first responders; and

WHEREAS, when responding to reports of missing, abducted, and sexually exploited children, the information obtained and actions taken by public safety telecommunicators form the foundation for an effective response; and

WHEREAS, when a hostage taker or suicidal person calls 9-1-1, the first contact is with the public safety telecommunicator whose negotiation skills can prevent the situation from getting worse; and

WHEREAS, during active shooter incidents, public safety telecommunicators coach callers through first aid and give advice to prevent further harm, all while collecting vital information to provide situational awareness for responding officers; and

WHEREAS, when police officers, firefighters, and emergency medical technicians are being shot at, their calls for help go to public safety telecommunicators; and

WHEREAS, public safety telecommunicators are often communicating with people in great distress, harm, fear, or injury, while employing their experience and training to recognize a critical piece of information; and

WHEREAS, in fact, there have been incidents in which public safety telecommunicators, recognizing the sound of a racked shotgun, have prevented serious harm or death of law enforcement officers who would have otherwise walked into a trap; and

WHEREAS, the work of public safety telecommunicators comes with an extreme emotional and physical impact that is compounded by long hours and the around-the-clock nature of the job; and

WHEREAS, research has suggested that public safety telecommunicators are exposed to trauma that may lead to the development of posttraumatic stress disorder; and

WHEREAS, recognizing the risks associated with exposure to traumatic events, some agencies provide critical incident stress debriefing teams to lessen the psychological impact and accelerate recovery for public safety telecommunicators and first responders, alike; and

WHEREAS, the federal Standard Occupational Classification System is designed and maintained solely for statistical purposes, and is used by federal statistical agencies to classify workers and jobs into occupational categories for the purpose of collecting, calculating, analyzing, or disseminating data; and

WHEREAS, the federal occupations in the Standard Occupational Classification System are classified based on work performed and, in some cases, on the skills, education, or training needed to perform the work; and

WHEREAS, classifying public safety telecommunicators as protective service occupations would correct an inaccurate representation in the Standard Occupational Classification System, recognize these professionals for the

lifesaving work they perform, and better align the Standard Occupational Classification System with related classification systems.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA:

(1) That the 67th Senate and House of Representatives of Montana maintain standing support of public safety telecommunicators.

(2) That the 67th Senate and House of Representatives of Montana urge the United States Congress to pass legislation to categorize public safety telecommunicators as a protective service occupation under the Standard Occupational Classification System.

BE IT FURTHER RESOLVED, that the Secretary of State send a copy of this resolution to the President of the United States, the Speaker of the United States House of Representatives, the Majority and Minority Leaders of the United States House of Representatives and the United States Senate, to each member of the Montana Congressional Delegation, and to the county commissions of Montana.

Adopted April 26, 2021

HOUSE JOINT RESOLUTION NO. 16

A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA URGING THE FEDERAL COMMUNICATIONS COMMISSION TO ALLOW MONTANA RESIDENTS TO BE CLASSIFIED IN THE DIRECT MARKETING AREAS OF MONTANA TELEVISION NEWS NETWORKS.

WHEREAS, many northwest Montana residents reside in the direct marketing area of Spokane television news stations that preclude them from receiving relevant coverage from Montana news networks; and

WHEREAS, Montana residents of Richland County and Wibaux County who would choose to get their television news from Billings, Montana, sources are located in the North Dakota Direct Marketing area and should also have opportunity to follow Montana news; and

WHEREAS, many Lincoln County residents, including the Lincoln County Commission, would prefer television news from Montana networks; and

WHEREAS, northwest Montana residents live in the Mountain Time Zone, while Spokane news networks broadcast from the Pacific Time Zone; and

WHEREAS, these residents are concerned with local Montana news, weather, and sports rather than Washington state's news; and

WHEREAS, Montanans have a strong tradition of watching the evening news as a family, but without relevant Montana news stations, they often rely on the local newspaper in their regions of the state.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA:

(1) That the Federal Communications Commission be urged to include Montana communities in the appropriate direct marketing area to allow for Montanans to receive their local television news.

(2) That the Secretary of State send a copy of this resolution to the Federal Communications Commission and to each member of the Montana Congressional Delegation.

Adopted April 26, 2021

HOUSE JOINT RESOLUTION NO. 17

A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA DECLARING THE FIRST WEEK IN JUNE AS NOXIOUS WEED AWARENESS WEEK.

WHEREAS, noxious weeds are defined by Montana law as “any exotic plant species established or that may be introduced in the state that may render land unfit for agriculture, forestry, livestock, wildlife, or other beneficial uses or that may harm native plant communities”; and

WHEREAS, pathways for the spread of invasive noxious weeds are many and varied, involving both accidental and intentional introductions, and could be reduced by increased awareness of the dangers posed by even seemingly innocuous plants that are transplanted to a different ecosystem; and

WHEREAS, invasive plants may spread aggressively and outcompete native plants and reduce overall native community biodiversity, and invasive plants can affect wildlife by altering the availability of food or nesting habitat; and

WHEREAS, prevention is far less expensive than trying to remove species after they arrive; and

WHEREAS, an educated and aware public is highly effective at detecting species early; and

WHEREAS, public agencies, land stewards, and citizens’ groups in Montana can join to stop the spread of invasive noxious weeds and restore lands and watersheds to a healthy state for their intended use.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA:

That the first full week in June be recognized as Noxious Weed Awareness Week.

BE IT FURTHER RESOLVED, that the Secretary of State send a copy of this resolution to the Governor, to the directors of the Montana Department of Agriculture, the Montana Department of Natural Resources and Conservation, and the Montana Department of Fish, Wildlife, and Parks, and to the county commission of each county in Montana.

Adopted March 23, 2021

HOUSE JOINT RESOLUTION NO. 19

A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA PROCLAIMING THE MONTH OF MAY AS AMYOTROPHIC LATERAL SCLEROSIS (ALS) AWARENESS MONTH AND URGING THE PRESIDENT AND CONGRESS OF THE UNITED STATES TO ENACT LEGISLATION TO PROVIDE ADDITIONAL FUNDING FOR RESEARCH IN ORDER TO FIND A TREATMENT AND A CURE FOR AMYOTROPHIC LATERAL SCLEROSIS.

WHEREAS, amyotrophic lateral sclerosis or ALS is better known as Lou Gehrig’s disease; and

WHEREAS, ALS is a fatal neurodegenerative disease characterized by degeneration of cell bodies of the lower motor neurons in the gray matter of the anterior horns of the spinal cord; and

WHEREAS, the initial symptom of ALS is weakness of the skeletal muscles, especially those of the extremities; and

WHEREAS, as ALS progresses the patient experiences difficulty in swallowing, talking, and breathing; and

WHEREAS, ALS eventually causes muscles to atrophy, and the patient becomes a functional quadriplegic; and

WHEREAS, ALS does not affect a patient's mental capacity, and the patient remains alert and aware of the loss of motor functions and the inevitable outcome of continued deterioration and death; and

WHEREAS, on average, patients diagnosed with ALS only survive 2 to 5 years from the time of diagnosis; and

WHEREAS, ALS has no known cause, means of prevention, or cure; and

WHEREAS, research indicates that military veterans are approximately twice as likely to develop ALS as those who have not served in the military; and

WHEREAS, the Department of Veterans Affairs implemented regulations to establish a presumption of service connection for ALS, thereby presuming that the development of ALS was incurred or aggravated by a veteran's service in the military; and

WHEREAS, a national ALS patient registry, administered by the Centers for Disease Control and Prevention, is currently identifying cases of ALS in the United States and may become the single largest ALS research project ever created; and

WHEREAS, Amyotrophic Lateral Sclerosis Awareness Month increases the public's awareness of ALS patients' circumstances and acknowledges the terrible impact this disease has not only on the patient but on his or her family and the community and recognizes the research being done to eradicate this horrible disease.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA:

That the Legislature hereby proclaims the month of May each year as Amyotrophic Lateral Sclerosis Awareness Month in Montana.

BE IT FURTHER RESOLVED, that the Legislature urges the President and Congress of the United States to enact legislation to provide additional funding for research in order to find a treatment and eventually a cure for amyotrophic lateral sclerosis.

BE IT FURTHER RESOLVED, that the Secretary of State send a copy of this resolution to the governor of Montana, the Montana congressional delegation, the majority and minority leaders of the United States Senate and House of Representatives, and the President of the United States.

Adopted April 6, 2021

HOUSE JOINT RESOLUTION NO. 21

A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA URGING THE DESIGNATION OF A STATE FUNERAL FOR THE LAST SURVIVING WORLD WAR II MEDAL OF HONOR RECIPIENT.

WHEREAS, World War II, the most widespread war in history, lasted from 1939 until 1945; and

WHEREAS, the United States entered the war in 1941, following an attack on Pearl Harbor by Japanese fighter planes; and

WHEREAS, over 16 million Americans served their country and the Allied powers over the course of the war; and

WHEREAS, the generation of men and women who served our country in World War II has been called the “greatest generation” for their selfless sacrifice; and

WHEREAS, the Medal of Honor is the highest military decoration that is awarded by the United States government; and

WHEREAS, the Medal of Honor is presented by the President of the United States, in the name of the United States Congress; and

WHEREAS, the Medal of Honor is only conferred on members of the United States Armed Forces who distinguish themselves through conspicuous gallantry and intrepidity at the risk of life above and beyond the call of duty while engaged in action against an enemy of the United States, while engaged in military operations involving conflict with an opposing foreign force, or while serving with friendly forces engaged in an armed conflict against an opposing armed force in which the United States is not a belligerent party; and

WHEREAS, more than 3,400 Medals of Honor have been awarded to our nation’s bravest soldiers, sailors, airmen, marines, and coast guardsmen since the creation of the award in 1861; and

WHEREAS, the Medal of Honor was awarded to 353 Americans during World War II; and

WHEREAS, only four of those 353 Americans are alive today; and

WHEREAS, Charles H. Coolidge of Tennessee, Francis S. Currey of New York, Robert D. Maxwell of Oregon, and Hershel Woodrow Williams of West Virginia all served their country with conspicuous gallantry and intrepidity at the risk of life and therefore deserve the gratitude of the American people; and

WHEREAS, the President of the United States has the sole authority to designate a state funeral; and

WHEREAS, historically, the President of the United States has designated state funerals for former presidents, generals, and other extraordinary Americans; and

WHEREAS, our nation is currently divided and yearns for a unifying national event; and

WHEREAS, designating a state funeral when the last surviving World War II Medal of Honor recipient dies would be a wonderful way for the American people to unite and honor all 16 million soldiers, sailors, airmen, marines, and coast guardsmen who served in the United States Armed Forces from 1941 to 1945.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA:

(1) That the President of the United States be urged to designate a state funeral for the last surviving World War II Medal of Honor recipient.

(2) That the Secretary of State send a copy of this resolution to the President of the United States, the Majority Leader of the United States Senate, the Speaker of the United States House of Representatives, and to each member of the Montana Congressional Delegation with the request that this resolution be officially entered into the congressional record.

Adopted April 14, 2021

HOUSE JOINT RESOLUTION NO. 27

A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA REQUESTING AN INTERIM STUDY ON FUNDING OPTIONS FOR MONTANA’S

CONSERVATION DISTRICTS; AND REQUIRING THAT THE FINAL RESULTS OF THE STUDY BE REPORTED TO THE 68TH LEGISLATURE.

WHEREAS, Montana has 58 conservation districts collectively operated by a locally elected and appointed group of more than 450 Montanans, and for more than 80 years, conservation district supervisors have served the people of our state and our natural resources without pay, essentially donating tens of millions of dollars of their time to help make Montana the Last Best Place; and

WHEREAS, for decades, the Legislature has linked conservation district funding to the extraction of natural resources, particularly coal, with the intent that the care and conservation of natural resources should be funded using nonrenewable natural resources; and

WHEREAS, the Coal Severance Tax is the primary funding mechanism for the operation of conservation districts; and

WHEREAS, revenue from the Coal Severance Tax has declined over the past several years and continues to show a significant decline that may not abate; and

WHEREAS, the increasing gap in the amount of dollars annually appropriated by the Legislature and the actual, lesser, dollars that are received by the conservation districts impacts the districts' abilities to fulfill their purpose of providing for conservation, including natural resource projects that take considerable planning and preparation; and

WHEREAS, proposed solutions to the funding decline must be identified to inform the next Legislature.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA:

That the Legislative Council be requested to designate an appropriate interim committee or statutory committee, pursuant to section 5-5-217, MCA, or direct sufficient staff resources to:

(1) review statutory authority and guidance related to conservation district funding mechanisms and funding sources;

(2) explore and identify other sources of revenue that may link to the services that conservation districts provide;

(3) examine the feasibility of equitably expanding the local tax base; and

(4) examine the practicality and viability of establishing a trust fund managed by the state for the benefit of the operation of conservation districts.

BE IT FURTHER RESOLVED, that the committee:

(1) include input from appropriate stakeholders, including but not limited to conservation district supervisors, conservation district administrators, the Montana Association of Conservation Districts, partner state agencies, including the Department of Natural Resources, the Department of Environmental Quality, the Department of Fish, Wildlife, and Parks, and the Department of Agriculture, and members of the interested public; and

(2) invite to all meetings and solicit input from personnel representing federal natural resource partner agencies, including the Natural Resources Conservation Service, the Bureau of Land Management, the United States Department of Agriculture Forest Service, the Bureau of Reclamation, the United States Army Corps of Engineers, the United States Fish and Wildlife Service, the Environmental Protection Agency, and other interested and pertinent federal agencies.

BE IT FURTHER RESOLVED, that if the study is assigned to staff, any findings or conclusions be presented to and reviewed by an appropriate committee designated by the Legislative Council.

BE IT FURTHER RESOLVED, that all aspects of the study, including presentation and review requirements, be concluded prior to September 15, 2022.

BE IT FURTHER RESOLVED, that the final results of the study, including any findings, conclusions, comments, or recommendations of the appropriate committee, be reported to the 68th Legislature.

Adopted April 28, 2021

HOUSE JOINT RESOLUTION NO. 29

A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA REQUESTING AN INTERIM STUDY TO EXPLORE OPTIONS FOR FUTURE FUNDING OF VICTIM SERVICES IN MONTANA.

WHEREAS, the Montana Board of Crime Control receives more requests for Victims of Crime Act assistance and Violence Against Women Act and Sexual Assault Services Programming funding than current funding levels can satisfy; and

WHEREAS, Montana's victim services allocations are one of the lowest in the nation because of Montana's small population and its status as one of the few states that does not have support from general fund appropriations; and

WHEREAS, since 2019, Montana's Victims of Crime Act assistance allocation has decreased every year and fluctuations in federal funding have resulted in unstable sources of funding for victim services; and

WHEREAS, the Montana Board of Crime Control anticipates Montana's Victims of Crime Act assistance funding will continue to decrease and other related funds will remain continuously unstable.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA:

That the Legislative Council be requested to designate an appropriate interim committee or statutory committee, pursuant to section 5-5-217, MCA, or direct sufficient staff resources to explore how Montana can support victim services programs and ensure that these programs will be adequately and sustainably funded.

BE IT FURTHER RESOLVED, that the committee consult with and involve relevant stakeholders identified by the committee.

BE IT FURTHER RESOLVED, that if the study is assigned to staff, any findings or conclusions be presented to and reviewed by an appropriate committee designated by the Legislative Council.

BE IT FURTHER RESOLVED, that all aspects of the study, including presentation and review requirements, be concluded prior to September 15, 2022.

BE IT FURTHER RESOLVED, that the final results of the study, including any findings, conclusions, comments, or recommendations of the appropriate committee, be reported to the 68th Legislature.

Adopted April 28, 2021

HOUSE JOINT RESOLUTION NO. 30

A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA REQUESTING AN

INTERIM STUDY TO REVIEW AND ASSESS THE CURRENT GOVERNANCE STRUCTURE OF COUNTY WATER AND/OR SEWER DISTRICTS.

WHEREAS, a statutory framework is provided for county water and/or sewer district boards in Title 7, chapter 13, parts 22 and 23, and multiple instances have illustrated that the framework may not be working as effectively as possible; and

WHEREAS, Title 7, chapter 13, parts 22 and 23, have seen limited amendments during the past 40 years, leading to antiquated language and possibly an antiquated governance structure that may benefit from modernization to ensure that county water and/or sewer district boards are able to function properly and efficiently; and

WHEREAS, both House Bill 447 from the 2019 session and House Bill 255 from the 2021 session sought to address issues of possible mismanagement and ineffectual leadership of county water and/or sewer boards and brought awareness that further study and possible action is necessary to ensure that all citizens receive fair and equitable treatment, services, and rates from their county water and/or sewer district board; and

WHEREAS, the Legislature recognizes the importance of providing a statutory framework for local entities that addresses statewide issues and offers statewide solutions to ensure that each individual county water and/or sewer district can address and rectify issues that are unique to its area while still operating within a framework that works for all county water and/or sewer districts across the state.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA:

That the Legislative Council be requested to designate an appropriate interim committee or statutory committee, pursuant to section 5-5-217, MCA, or direct sufficient staff resources to:

(1) conduct a comprehensive review of the county water and/or sewer district statutes found in Title 7, chapter 13, parts 22 and 23;

(2) review and assess the current governance structures allowed to a county water and/or sewer district board and analyze the efficiency and effectiveness of the current structures;

(3) review and assess the processes available to appoint, elect, and remove a director from a county water and/or sewer board of directors;

(4) analyze the available responsibilities and powers of a county board of commissioners or a city governing body to oversee the actions of a county water and/or sewer district board;

(5) evaluate whether viable options currently exist to offer corrections to a district board that is operating ineffectively; and

(6) if necessary, develop legislation to amend current statutory guidance or recommend the creation of a new governance structure for county water and/or sewer districts.

BE IT FURTHER RESOLVED, that the study include representatives from interested parties, including but not limited to the Montana Association of Counties, the Montana League of Cities and Towns, Montana Rural Water Districts, the Montana State University Local Government Center, and other city, county, or water and/or sewer district representatives as considered appropriate.

BE IT FURTHER RESOLVED, that if the study is assigned to staff, any findings or conclusions be presented to and reviewed by an appropriate committee designated by the Legislative Council.

BE IT FURTHER RESOLVED, that all aspects of the study, including presentation and review requirements, be concluded prior to September 15, 2022.

BE IT FURTHER RESOLVED, that the final results of the study, including any findings, conclusions, comments, or recommendations of the appropriate committee, be reported to the 68th legislature.

Adopted April 26, 2021

HOUSE JOINT RESOLUTION NO. 31

A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA REQUESTING AN INTERIM STUDY OF THE COLLECTION AND DISSEMINATION OF CRIMINAL JUSTICE SYSTEM DATA IN MONTANA.

WHEREAS, while many local, tribal, and county criminal justice system stakeholders collect data, Montana currently does not have a central data repository or clearinghouse for that data; and

WHEREAS, the lack of centralized, electronically stored data related to the system can hinder legislative and public oversight of the system and limit improvements to increase the effectiveness of criminal justice processes and interventions; and

WHEREAS, the 2017 Legislature enacted several bills that made changes to various parts of the criminal justice system, but tracking the effectiveness of those changes has been hindered by the lack of accurate, complete data; and

WHEREAS, improvements in data collection requirements and scope might allow the Legislature and the public to track criminal justice system outcomes from arrest to release from prison or supervision; and

WHEREAS, local criminal justice system data, including charging decisions, is difficult to obtain, but it can be crucial to understanding statewide justice system outcomes and making comparisons between jurisdictions; and

WHEREAS, although data, data quality, and the use of data to measure criminal justice system outcomes are often discussed in legislative hearings, these related topics have not yet been the focus of an interim study.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA:

That the Legislative Council be requested to designate an appropriate interim committee or statutory committee, pursuant to section 5-5-217, MCA, or direct sufficient staff resources to study the collection and dissemination of criminal justice system data.

BE IT FURTHER RESOLVED, that the study:

(1) inventory existing statutory requirements to collect data related to the criminal justice system;

(2) identify what criminal justice system data elements are currently collected and maintained by state and local governments;

(3) review how all data elements are being collected, maintained, or reported, including but not limited to the software programs or technologies used in the collection, maintenance, or reporting of the data;

(4) review national best practices related to the collection and accessibility of criminal justice system data and other states' use of data portals to provide public access to criminal justice system data;

(5) assess if the data collected or recommended to be collected on offenders and programs will provide criminal justice agencies, the Legislature, and

the public adequate information to determine whether state resources are being used efficiently and effectively to achieve the state's correctional and sentencing policy;

(6) identify any gaps in the data or accessibility to the data for research purposes and for use by system stakeholders and policymakers; and

(7) recommend solutions to improve and fund the comprehensive and consistent collection, maintenance, analysis, and accessibility of criminal justice system data at the state and local levels.

BE IT FURTHER RESOLVED, that the study involve input from state, tribal, and local criminal justice system stakeholders.

BE IT FURTHER RESOLVED, that if the study is assigned to staff, any findings or conclusions be presented to and reviewed by an appropriate committee designated by the Legislative Council.

BE IT FURTHER RESOLVED, that all aspects of the study, including presentation and review requirements, be concluded prior to September 15, 2022.

BE IT FURTHER RESOLVED, that the final results of the study, including any findings, conclusions, comments, or recommendations of the appropriate committee, be reported to the 68th Legislature.

Adopted April 27, 2021

HOUSE JOINT RESOLUTION NO. 34

A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA REQUESTING AN INTERIM STUDY OF PRETRIAL DIVERSION PROGRAMS AND PRESENTENCE DIVERSION AGREEMENTS.

WHEREAS, a presentence diversion agreement allows a defendant and a prosecutor to agree to suspend the prosecution for a criminal offense on entry of a guilty plea if the defendant abides by certain terms in the agreement; and

WHEREAS, the terms of a pretrial diversion program or a presentence diversion agreement typically will require that the defendant obtain a chemical dependency evaluation and complete the recommended treatment as well as comply with other accountability measures or required programs based on the individual's needs; and

WHEREAS, if the defendant successfully completes the terms of the pretrial diversion program or the presentence diversion agreement, the criminal charge or charges against the person can be dismissed and will not appear on the person's criminal history; and

WHEREAS, if the defendant does not successfully complete the terms of the pretrial diversion program or the presentence diversion agreement, the defendant will face court proceedings for the criminal offense or offenses; and

WHEREAS, eligible defendants in pretrial diversion programs or presentence diversion agreements will typically include low-risk, low-need defendants charged with possession of illegal drugs or drug-related offenses and who need addiction services and treatment and not incarceration; and

WHEREAS, involvement in the criminal justice system and a criminal conviction can have lasting negative impacts on a person years after the offense; and

WHEREAS, presentence diversion agreements are used to divert low-risk, low-need individuals from the criminal justice system; and

WHEREAS, the crimes are directly related to the defendant's abuse of drugs, alcohol, or both; and

WHEREAS, a pretrial diversion program or a presentence diversion agreement can allow a defendant to obtain and complete treatment outside of a secure facility; and

WHEREAS, increasing access to pretrial diversion programs and presentence diversion agreements for certain defendants could reduce caseloads for prosecutors, public defenders, judges, and the Department of Corrections, while also prioritizing jail and prison bed space for other offenders; and

WHEREAS, intervening early through pretrial diversion programs and presentence diversion agreements and providing treatment for underlying addiction issues will create cost savings for the criminal justice system and improve outcomes for offenders.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA:

That the Legislative Council be requested to designate an appropriate interim committee or statutory committee, pursuant to section 5-5-217, MCA, or direct sufficient staff resources to study how to establish pretrial diversion programs and a uniform presentence diversion agreement in the state.

BE IT FURTHER RESOLVED, that the study should:

(1) identify Montana jurisdictions that currently operate a pretrial diversion program or a presentence diversion agreement and examine the structure, scope, funding, eligibility criteria, and procedures for those programs;

(2) review national best practices for pretrial diversion programs and presentence diversion agreements;

(3) examine pretrial diversion programs and presentence diversion agreements in other states, including their structure, scope, funding, eligibility criteria, and procedures;

(4) review existing Montana statutes that create or support opportunities for individuals to be diverted from the criminal justice system; and

(5) review the available funding sources for pretrial diversion programs or presentence diversion agreements and the cost shift and savings realized through a pretrial diversion program or a presentence diversion agreement that diverts people from the criminal justice system and into treatment and addiction services.

BE IT FURTHER RESOLVED, that if the study is assigned to staff, any findings or conclusions be presented to and reviewed by an appropriate committee designated by the Legislative Council.

BE IT FURTHER RESOLVED, that all aspects of the study, including presentation and review requirements, be concluded prior to September 15, 2022.

BE IT FURTHER RESOLVED, that the final results of the study, including any findings, conclusions, comments, or recommendations of the appropriate committee, be reported to the 68th Legislature.

Adopted April 27, 2021

HOUSE JOINT RESOLUTION NO. 35

A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA REQUESTING AN INTERIM STUDY OF THE CHILDREN'S MENTAL HEALTH SYSTEM; AND REQUIRING THAT THE FINAL RESULTS OF THE STUDY BE REPORTED TO THE 68TH LEGISLATURE.

WHEREAS, in 2009, the Montana Legislature enacted a requirement that the Department of Public Health and Human Services report to the Legislature about the number of Montana children who are placed out of state for mental health treatment and the reasons for those out-of-state placements; and

WHEREAS, since reporting began, significant numbers of children have been sent to service providers in other states, including children who are involved in the child protective services system and the juvenile justice system; and

WHEREAS, Montana's publicly funded children's mental health system experienced system-altering cutbacks in Fiscal Year 2018 after Fiscal Year 2017 state revenue came in below anticipated levels, triggering a range of cuts to mental health services and other programs; and

WHEREAS, all stakeholders have a strong interest in diverting children in need of intensive mental health services from out-of-state placements if the services are available or can be reasonably made available in Montana; and

WHEREAS, there may be gaps in Montana's service system for children, leading to at least some of the out-of-state placements that occur each year.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA:

That the Legislative Council be requested to designate an appropriate interim committee or statutory committee, pursuant to section 5-5-217, MCA, to undertake a comprehensive review of the elements of Montana's mental health system for children to determine:

(1) how children become involved in the mental health system, including children who are involved with the child protective or juvenile justice systems, and the reasons some of the children are placed in psychiatric or other facilities that are located outside of Montana;

(2) whether gaps exist in Montana's service system that cause children to be sent to out-of-state services;

(3) the prevention systems that exist in Montana for children to avoid placement in psychiatric facilities either in Montana or outside of Montana; and

(4) the steps that the Legislature or executive branch could take to improve the system of children's mental health services in this state to avoid psychiatric institutional placements for children and meet their needs in less-restrictive settings.

BE IT FURTHER RESOLVED, that the study include input from appropriate stakeholders.

BE IT FURTHER RESOLVED, that all aspects of the study, including presentation and review requirements, be concluded prior to September 15, 2022.

BE IT FURTHER RESOLVED, that the final results of the study, including any findings, conclusions, comments, or recommendations of the appropriate committee, be reported to the 68th Legislature.

Adopted April 28, 2021

HOUSE JOINT RESOLUTION NO. 36

A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA REQUESTING AN INTERIM STUDY ON RESIDENTIAL PROPERTY TAXES.

WHEREAS, property taxes are an important funding source for the state, cities, counties, school districts, and special districts; and

WHEREAS, property taxes paid on residential property accounted for 50% of state and local property tax collections in tax year 2020; and

WHEREAS, the market value of residential property has increased 36% from 2010 to 2020; and

WHEREAS, revenue collections for special districts and fees have increased 36% from 2010 to 2020; and

WHEREAS, affordable housing is an increasing concern throughout the state.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA:

That the Legislative Council be requested to designate an appropriate interim committee or statutory committee, pursuant to section 5-5-217, MCA, to study residential property taxes.

BE IT FURTHER RESOLVED, that the study include:

(1) an overview of how residential property is valued and how this compares with other classes of property;

(2) analysis of property taxes paid on residential property and on other classes of property;

(3) consideration of how state, local government, and school funding policies impact residential property taxes;

(4) a review of property tax assistance programs and tax credits available for residential property and exemptions and abatements available to nonresidential property; and

(5) options for mitigating residential property taxes, including a review of legislation considered in the 2021 legislative session.

BE IT FURTHER RESOLVED, that all aspects of the study, including presentation and review requirements, be concluded prior to September 15, 2022.

BE IT FURTHER RESOLVED, that the final results of the study, including any findings, conclusions, comments, or recommendations of the appropriate committee, be reported to the 68th Legislature.

Adopted April 27, 2021

HOUSE JOINT RESOLUTION NO. 37

A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA REQUESTING AN INTERIM STUDY OF SELENIUM LEVELS IN LAKE KOOCANUSA, INCLUDING A COLLABORATIVE REVIEW OF THE MODELING, ANALYSIS, AND WATER QUALITY STANDARDS ADOPTED IN 2020.

WHEREAS, the Board of Environmental Review promulgated a site-specific selenium standard for Lake Koocanusa on December 11, 2020, and the United States Environmental Protection Agency approved the board's new standard in early 2021; and

WHEREAS, some affected stakeholders question the 2020 site-specific selenium standard for Lake Koocanusa and request a cooperative review of the new administrative rule, ARM 17.30.632, technical support documents, background data, and assumptions used in the previous modeling process, and stakeholder desire to complete the model validation process; and

WHEREAS, these affected stakeholders desire an opportunity to engage in additional, thoughtful, collaborative, and scientifically defensible analysis with state regulators to determine whether the 2020 site-specific standards for Lake Koocanusa are appropriate.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA:

That the Legislative Council be requested to designate the Environmental Quality Council, subject to section 5-5-217, MCA, and to direct sufficient staff resources, pursuant to section 5-11-112, MCA, to establish a collaborative process with the Department of Environmental Quality to:

(1) analyze the data and processes referenced in and used to support rulemaking to determine if ARM 17.30.632, as it pertains to Lake Koocanusa, complies with the Montana Water Quality Act and the federal Clean Water Act; and

(2) offer recommendations on what changes, if any, are needed to ARM 17.30.632 or supporting documentation.

BE IT FURTHER RESOLVED, that the Legislative Council requests that the Environmental Quality Council invite two members of the Water Policy Interim Committee, including a member of the Senate and a member of the House of Representatives with one each from the majority party and the minority party, to participate as ex officio members of this study.

BE IT FURTHER RESOLVED, that the study be conducted and recommendations be developed with consultation of interested stakeholders, including:

(1) the Lincoln County Board of Commissioners;

(2) selenium experts and other experts who have experience proposing and reviewing water quality standards; and

(3) other appropriate agencies, including the Governor's Office, the Board of Environmental Review, and the Department of Environmental Quality.

BE IT FURTHER RESOLVED, that all aspects of the study, including presentation and review requirements, be concluded prior to April 1, 2022.

BE IT FURTHER RESOLVED, that the final results of the study, including any findings, conclusions, comments, or recommendations of the appropriate committee, be reported to the 68th Legislature, the Governor's natural resources policy advisor, and the British Columbia Ministry of the Environment.

Adopted April 28, 2021

HOUSE JOINT RESOLUTION NO. 39

A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA REQUESTING AN INTERIM STUDY OF THE USE OF INVOLUNTARY COMMITMENTS FOR INDIVIDUALS WITH ALZHEIMER'S DISEASE OR OTHER DEMENTIAS; AND REQUIRING THAT THE FINAL RESULTS OF THE STUDY BE REPORTED TO THE 68TH LEGISLATURE.

WHEREAS, the Montana Alzheimer's and Dementia State Plan predicts that based on the current prevalence rates of Alzheimer's disease and other dementias, the number of Alzheimer's and dementia cases in Montana could more than double between 2012 and 2060, from 24,275 to 59,761; and

WHEREAS, the state plan notes that community-based facilities are often unable to accept or continue serving people with Alzheimer's disease or other dementias when the individuals also have difficult behavioral issues; and

WHEREAS, the state plan also notes that the Montana State Hospital is not only the most expensive level of treatment but also the most restrictive environment and often the least appropriate setting for individuals with Alzheimer's disease or other dementias.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA:

That the Legislative Council be requested to designate an appropriate interim committee or statutory committee, pursuant to section 5-5-217, MCA, to study the involuntary commitment process as it relates to individuals with Alzheimer's disease or other dementias.

BE IT FURTHER RESOLVED, that the study look at:

(1) the number of people with Alzheimer's disease or other dementias who are committed to the Montana State Hospital;

(2) the alternative settings for placement of individuals with Alzheimer's disease or other dementias who have significant behavioral issues;

(3) gaps in availability of alternative settings and measures that could alleviate the gaps; and

(4) other steps that could reduce or eliminate the use of involuntary commitment to the Montana State Hospital for individuals suffering from Alzheimer's disease or other dementias.

BE IT FURTHER RESOLVED, that the study include input from appropriate stakeholders.

BE IT FURTHER RESOLVED, that all aspects of the study, including presentation and review requirements, be concluded prior to September 15, 2022.

BE IT FURTHER RESOLVED, that the final results of the study, including any findings, conclusions, comments, or recommendations of the appropriate committee, be reported to the 68th Legislature.

Adopted April 28, 2021

HOUSE JOINT RESOLUTION NO. 40

A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA REQUESTING AN INTERIM STUDY AND A PERFORMANCE AUDIT OF THE JUDICIAL STANDARDS COMMISSION.

WHEREAS, Article VII, section 11, of the Montana Constitution provides for removal and discipline of judges and requires that the Legislature create a Judicial Standards Commission; and

WHEREAS, the Legislature has enacted Title 3, chapter 1, part 11, MCA, to create the commission and provide for its operation; and

WHEREAS, the 2021 Legislature considered several bills related to the removal and discipline of judges; and

WHEREAS, the Legislature provides authority in section 3-1-1125, MCA, to the Legislative Auditor to audit the Judicial Standards Commission "to determine whether it is efficiently and effectively processing complaints against judicial officers in the state" and includes the right of the Legislative Auditor to access otherwise confidential materials; and

WHEREAS, the Legislature has not conducted a legislative interim study of the Judicial Standards Commission using the interim committee study process; and

WHEREAS, gathering public comment related to matters contained in reports published as required by section 3-1-1126, MCA, disclosed as required by section 3-1-1121, MCA, or otherwise available to the public according to Title 3, chapter 1, part 11, MCA, will aid both in any scoping work done for a performance audit and in the interim committee study process; and

WHEREAS, by prioritizing a performance audit and an interim study during the 2021-2022 interim, the Legislature would benefit from a two-pronged review of the Judicial Standards Commission that could provide additional information about the commission, its work, and any elements of its structure or operation that could be improved through legislation.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA:

(1) That the Legislative Council be requested to designate an appropriate interim committee or statutory committee, pursuant to section 5-5-217, MCA, or direct sufficient staff resources to study the structure, duties, and operation of the Judicial Standards Commission.

(2) That the Legislative Audit Committee be requested to prioritize a performance audit of the Judicial Standards Commission to determine whether the commission is effectively and efficiently processing complaints against judicial officers.

BE IT FURTHER RESOLVED, that the interim committee study:

(1) review the history, structure, and operation of the Judicial Standards Commission and other topics selected by the interim committee;

(2) examine methods used by other states to resolve complaints against judicial officers; and

(3) involve the public and other stakeholders identified by the committee.

BE IT FURTHER RESOLVED, that if the Legislative Audit Committee conducts an audit of the Judicial Standards Commission, the interim committee assigned to conduct the interim study also reviews the resulting audit report and requests legislation, if needed, to enact any recommendations from the audit.

BE IT FURTHER RESOLVED, that if the interim committee study is assigned to staff, any findings or conclusions be presented to and reviewed by an appropriate committee designated by the Legislative Council.

BE IT FURTHER RESOLVED, that all aspects of the interim committee study and the performance audit, including presentation and review requirements, be concluded prior to September 15, 2022.

BE IT FURTHER RESOLVED, that the final results of the study, including any findings, conclusions, comments, or recommendations of the appropriate committee, be reported to the 68th Legislature.

Adopted April 27, 2021

HOUSE JOINT RESOLUTION NO. 44

A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA REQUESTING AN INTERIM STUDY OF THE FAMILY FOSTER CARE SYSTEM; AND REQUIRING THAT THE FINAL RESULTS OF THE STUDY BE REPORTED TO THE 68TH LEGISLATURE.

WHEREAS, the Department of Public Health and Human Services reported that 3,321 children were in foster care in February 2021; and

WHEREAS, more than 3,000 children have been in foster care every month since February 2016; and

WHEREAS, the state needs a robust foster care system to appropriately serve the high number of children in out-of-home care; and

WHEREAS, the Montana Legislature has a genuine interest in the welfare of children in the state foster care system.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA:

That the Legislative Council be requested to designate an appropriate interim committee or statutory committee, pursuant to section 5-5-217, MCA, to study the family foster care system.

BE IT FURTHER RESOLVED, that the study examine:

(1) whether additional foster parents are needed to provide appropriate care to children who have been removed from their homes;

(2) the current requirements for and barriers to becoming a foster parent;

(3) the ongoing performance requirements for licensed foster parents;

(4) the ethical expectations for foster parents and their interactions with the children in their care, the parents of the children, and the Department of Public Health and Human Services;

(5) the degree to which foster parent input on a child's physical and mental state is considered;

(6) the legal standing of foster parents in the court system and whether that standing needs to be clarified;

(7) the rights of foster parents and whether those rights need to be formalized through a Foster Parents' Rights Act;

(8) the funding sources for the foster care system and the ways in which the funding impacts the system;

(9) foster care matters related to the Indian Child Welfare Act; and

(10) the role of foster care issues in the adoption system.

BE IT FURTHER RESOLVED, that the study involve input from appropriate stakeholders.

BE IT FURTHER RESOLVED, that all aspects of the study, including presentation and review requirements, be concluded prior to September 15, 2022.

BE IT FURTHER RESOLVED, that the final results of the study, including any findings, conclusions, comments, or recommendations of the appropriate committee, be reported to the 68th Legislature.

Adopted April 28, 2021

HOUSE JOINT RESOLUTION NO. 45

A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA REQUESTING AN INTERIM STUDY OF THE FACTORS THAT TRIGGER CHILD REMOVALS AND FAMILY REUNIFICATION IN CHILD PROTECTIVE SERVICES CASES; AND REQUIRING THAT THE FINAL RESULTS OF THE STUDY BE REPORTED TO THE 68TH LEGISLATURE.

WHEREAS, more than 3,000 children have been in foster care every month since February 2016, after being removed from their homes because of suspected or confirmed child abuse or neglect; and

WHEREAS, the Legislature established in section 41-3-101, MCA, that it is the policy of the state to “preserve the unity and welfare of the family whenever possible”; and

WHEREAS, numerous factors influence the decision to remove a child from the home when abuse or neglect is suspected and to reunify the family when parents are considered able to care for the child; and

WHEREAS, the Montana Legislature has a genuine interest in ensuring a professional child protective services system that protects the rights of parents and children and creates reasonable expectations for both removal and reunification.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA:

That the Legislative Council be requested to designate an appropriate interim committee or statutory committee, pursuant to section 5-5-217, MCA, to examine the factors that lead to a child’s removal from and return to the home when child abuse or neglect is suspected.

BE IT FURTHER RESOLVED, that the study review:

(1) the criteria currently used to make decisions regarding a child’s removal from and return to the home;

(2) whether the criteria for both removal of children and for family reunification are reasonable;

(3) whether the availability of quality foster parents in the geographic area leads to quicker removals or slower reunifications;

(4) whether child protection specialists actively consider ways to prevent removal of children from the home;

(5) the amount of time that elapses between a child’s removal from and return to the home and how the length of the removal hinders or contributes to reunification;

(6) expectations in the court system that may lead to an unreasonably early return and reunification;

(7) the weight given to past removals, the number of removals, and their effect on the children involved;

(8) how the previous criminal or addictive history of the parent affects reunification decisions;

(9) how the availability of effective legal representation affects outcomes and timeframes for reunification; and

(10) whether the needs and best interest of the child are being considered in decisions involving removal and reunification.

BE IT FURTHER RESOLVED, that the study look at:

(1) the ways in which the Family First Prevention Services Act affects child removals; and

(2) the role the Indian Child Welfare Act plays in decisions related to removal and reunification.

BE IT FURTHER RESOLVED, that the study involve input from appropriate stakeholders.

BE IT FURTHER RESOLVED, that all aspects of the study, including presentation and review requirements, be concluded prior to September 15, 2022.

BE IT FURTHER RESOLVED, that the final results of the study, including any findings, conclusions, comments, or recommendations of the appropriate committee, be reported to the 68th Legislature.

Adopted April 28, 2021

HOUSE JOINT RESOLUTION NO. 47

A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA REQUESTING AN INTERIM STUDY AND A PERFORMANCE AUDIT OF EDUCATIONAL AND CAREER TRAINING OPPORTUNITIES FOR INCARCERATED AND RECENTLY INCARCERATED INDIVIDUALS.

WHEREAS, the criminal justice policy of the state under Article II, section 28, of the Montana Constitution is founded on four principles, one of which is reformation; and

WHEREAS, Article X, section 1(1), of the Montana Constitution establishes the goal of the people to establish a system of education which will develop the full educational potential of each person; and

WHEREAS, nationwide, less than half of incarcerated individuals have a high school diploma; and

WHEREAS, individuals without a high school diploma, career training, or other educational or workforce credential will likely struggle to find gainful employment; and

WHEREAS, as the Montana economy recovers from the pandemic and again experiences low unemployment and workforce shortages, the state will benefit by maximizing the productivity and independence of all its citizens.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA:

(1) That the Legislative Council be requested to designate an appropriate interim committee or statutory committee, pursuant to section 5-5-217, MCA, or direct sufficient staff resources to study educational and career training opportunities for incarcerated and recently incarcerated individuals.

(2) That the Legislative Audit Committee be requested to prioritize a performance audit of educational and career training opportunities for incarcerated and recently incarcerated individuals.

BE IT FURTHER RESOLVED, that the interim committee:

(1) gather information about the existing educational and career training opportunities and the educational status of incarcerated individuals, including but not limited to:

(a) the educational attainment of individuals on entry into the correctional system and on exit;

(b) the educational programs available to incarcerated individuals by educational level;

(c) participation rates of incarcerated individuals in educational programs and any current incentives to participate;

(d) the capability of the correctional system to offer, expand, and incentivize education opportunities; and

(e) the impacts of inmate participation in educational programs while incarcerated, including measurement of attainment for each participant.

(2) investigate available programs and funding streams that focus on developing the employability skills of the recently incarcerated;

(3) request information and input from the Department of Corrections, the Department of Labor and Industry, the Office of Public Instruction, the Office of the Commissioner of Higher Education, and tribal colleges;

(4) seek solutions that:

(a) serve the current and future workforce needs of the state;

(b) focus on collaboration between the criminal justice system, the educational system, and the business community; and

(c) create incentives for the incarcerated and formerly incarcerated to develop their full educational and employment potential;

(5) involve the public and other stakeholders identified by the committee;

(6) examine successful programs established in other states; and

(7) explore other aspects of the topic as determined by the committee.

BE IT FURTHER RESOLVED, that if the Legislative Audit Committee conducts an audit of educational and career training opportunities for incarcerated and recently incarcerated individuals, the interim committee assigned to conduct the interim study also reviews the resulting audit report and requests legislation, if needed, to enact any recommendations from the audit.

BE IT FURTHER RESOLVED, that if the interim committee study is assigned to staff, any findings or conclusions be presented to and reviewed by an appropriate committee designated by the Legislative Council.

BE IT FURTHER RESOLVED, that all aspects of the interim committee study and the performance audit, including presentation and review requirements, be concluded prior to September 15, 2022.

BE IT FURTHER RESOLVED, that the final results of the study, including any findings, conclusions, comments, or recommendations of the appropriate committee, be reported to the 68th Legislature.

Adopted April 28, 2021

HOUSE JOINT RESOLUTION NO. 48

A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA REQUESTING AN INTERIM STUDY TO EXAMINE THE USE OF FACIAL RECOGNITION TECHNOLOGY IN THE STATE, STUDY THE SECURITY OF FACIAL RECOGNITION TECHNOLOGY, AND EVALUATE POTENTIAL PROTECTIVE MEASURES AND LIMITATIONS; AND REQUIRING THE FINAL RESULTS OF THE STUDY BE REPORTED TO THE 68TH LEGISLATURE.

WHEREAS, facial recognition technology is a new and emerging technology that is used to identify or verify individuals using their facial structure; and

WHEREAS, facial recognition systems can be used to identify individuals from photos, video, or real-time surveillance; and

WHEREAS, facial recognition technology is increasingly used by Montana businesses and government agencies, including law enforcement; and

WHEREAS, several federal, state, and local governments use the technology for widely varying purposes with data shared among entities; and

WHEREAS, facial recognition technology can be used without the individual's knowledge, can be prone to error, can be an invasion of privacy, and creates a risk of data theft; and

WHEREAS, the technology can be used to investigate and solve crimes, prevent fraud, and help find missing people; and

WHEREAS, other states and local governments have enacted protective measures and limitations on the use of facial recognition technology, however, no limitations currently exist in Montana; and

WHEREAS, when considering emerging surveillance technology, it is essential for the Legislature to protect the privacy and constitutional rights of Montanans while allowing appropriate use by government agencies.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA:

That the Legislative Council be requested to designate an appropriate interim committee or statutory committee, pursuant to section 5-5-217, MCA, or direct sufficient staff resources to:

(1) examine which agencies use facial recognition technology and for what purpose in the state;

(2) study the uses of facial recognition technology in investigations and criminal actions in Montana;

(3) study the security of facial recognition data collected by state agencies and how it is shared among local, state, and federal agencies; and

(4) evaluate the protective measures and limitations on facial recognition technology implemented by other states.

BE IT FURTHER RESOLVED, that the study include input from the appropriate stakeholders, including but not limited to representatives of state agencies and private sector entities that employ facial recognition technology.

BE IT FURTHER RESOLVED, that if the study is assigned to staff, any findings or conclusions be presented to and reviewed by an appropriate committee designated by the Legislative Council.

BE IT FURTHER RESOLVED, that all aspects of the study, including presentation and review requirements, be concluded prior to September 15, 2022.

BE IT FURTHER RESOLVED, that the final results of the study, including any findings, conclusions, comments, or recommendations of the appropriate committee, be reported to the 68th Legislature.

Adopted April 28, 2021

HOUSE JOINT RESOLUTION NO. 49

A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA REQUESTING AN INTERIM STUDY OF BENEFITS CLIFFS IN PUBLIC ASSISTANCE PROGRAMS AND IMPACTS ON INDIVIDUALS AND BUSINESSES; AND REQUIRING THAT THE FINAL RESULTS OF THE STUDY BE REPORTED TO THE 68TH LEGISLATURE.

WHEREAS, businesses face aging demographics, slow population growth, low unemployment rates, and industry-specific workforce shortages as they attempt to increase, or at least sustain, economic growth and competitiveness; and

WHEREAS, people who are receiving public assistance benefits, including tax credits, face so-called “benefits cliffs” when increases in their earnings cause a decrease in public assistance benefits, resulting in a net loss of income or only small increases in overall income; and

WHEREAS, benefits cliffs disincentivize individuals from accepting increased work hours and wages, resulting in decreased economic opportunity for families and furthering workforce shortages for employers; and

WHEREAS, employers are forced to perpetually recruit, hire, and train for the same entry-level positions; and

WHEREAS, families do not exit social support systems, and economic growth is stymied; and

WHEREAS, the state has a vested interest in removing unintended bureaucratic barriers to improved employment and economic stability, including those related to benefits cliffs.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA:

That the Legislative Council be requested to designate an appropriate interim committee or statutory committee, pursuant to section 5-5-217, MCA, to study benefits cliffs in public assistance programs and the impact that benefits cliffs have on the economic success of individuals and businesses.

BE IT FURTHER RESOLVED, that the committee:

(1) review the eligibility requirements for and benefits provided by each public assistance program, including tax incentive programs, available to residents of this state;

(2) examine the degree to which family annual net resources vary as wages and benefits change, including reviewing any available modeling on the subject; and

(3) review efforts undertaken nationally and in other states to address the impact of benefits cliffs on individuals, families, and businesses.

BE IT FURTHER RESOLVED, that the committee may rely on available modeling data included in national studies or seek assistance from the Legislative Fiscal Division or national organizations for modeling the variations in family annual net resources that occur as wages and benefit levels change.

BE IT FURTHER RESOLVED, that the study include input from appropriate stakeholders.

BE IT FURTHER RESOLVED, that all aspects of the study, including presentation and review requirements, be concluded prior to September 15, 2022.

BE IT FURTHER RESOLVED, that the final results of the study, including any findings, conclusions, comments, or recommendations of the appropriate committee, be reported to the 68th Legislature.

Adopted April 28, 2021

House Resolutions**HOUSE RESOLUTION NO. 1**

A RESOLUTION OF THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA EXPRESSING APPRECIATION AND GRATITUDE TO ESSENTIAL WORKERS FOR THEIR EFFORTS DURING THE COVID-19 PANDEMIC.

WHEREAS, in 2020, Montana experienced in COVID-19 the most severe pandemic in a century; and

WHEREAS, Montana's essential workers have been called upon to work under conditions far more challenging and stressful than normal during this pandemic, including the fear and uncertainty of a heightened risk of infection; worry that they may carry COVID-19 into their homes and infect loved ones; a severely limited supply of personal protective equipment; quickly evolving public health recommendations and protocols from local leadership, medical and public health experts, and political leaders; unusually high and increasing demands to work longer hours as their colleagues become sick or are quarantined; exposure to the physical and emotional strain and balancing their commitment to help others with the understandable commitment to protect themselves and their loved ones; and

WHEREAS, our essential workers have stepped up in countless ways; and

WHEREAS, essential workers have responded exceedingly well to the pandemic by showing up, putting in long hours, rapidly adapting the ways in which they work, revising schedules, embracing changes to accommodate virtual activities, and even repurposing facilities or creating improvised personal protective equipment; and

WHEREAS, essential workers have continued to demonstrate compassion and maintain a brave front despite the fears they may harbor; and

WHEREAS, for the purposes of this resolution, "essential workers" encompasses workers employed by essential businesses and providing essential services at:

(1) health care and public health operations, human services operations, essential governmental operations, and essential infrastructure operations;

(2) stores that sell groceries and medicine, grocery stores, pharmacies, farm and produce stands, supermarkets, convenience stores, and other establishments engaged in the retail sale of groceries, canned food, dry goods, frozen foods, fresh fruits and vegetables, pet supplies, fresh meats, fish, and poultry, alcoholic and nonalcoholic beverages, and any other household consumer products, stores that sell groceries, medicine, including medication not requiring a medical prescription, and also that sell other nongrocery products, and products necessary to maintaining the safety, sanitation, and essential operation of residences and essential businesses and operations;

(3) operations in the food and beverage industry, manufacturing, production, processing, and cultivation, including farming, livestock, fishing, baking, and other production agriculture, including cultivation, marketing, production, and wholesale or retail distribution of animals and goods for consumption, licensed medical cannabis dispensaries and licensed cannabis cultivation centers, and businesses that provide food, shelter, and other necessities of life for animals, including veterinary and animal health services, animal shelters, rescues, shelters, kennels, and adoption facilities, and businesses that provide equipment, transportation, seed, feed, fertilizer, or other products or services critical to food and livestock production;

(4) organizations that provide charitable and social services, businesses and religious and secular nonprofit organizations, including food banks, when providing food, shelter, and social services, and other necessities of life for economically disadvantaged or otherwise needy individuals, individuals who need assistance as a result of this emergency, and people with disabilities;

(5) newspapers, television, radio, and other media services;

(6) gas stations and businesses needed for transportation, including gas stations and auto supply, auto repair, and related facilities and bicycle shops and related facilities;

(7) financial and real estate services and institutions, including banks, consumer lenders, including but not limited to pawnbrokers, accountants, consumer installment lenders and sales finance lenders, credit unions, appraisers, realtors or others providing real estate services, title companies, financial markets, trading and futures exchanges, affiliates of financial institutions, entities that issue bonds, related financial institutions, and institutions selling financial products;

(8) hardware and supply stores, including businesses that sell electrical, plumbing, and heating material;

(9) in the critical trades industry, including building and construction tradesmen and tradeswomen, and other trades including but not limited to plumbers, electricians, exterminators, cleaning and janitorial staff for commercial and governmental properties, security staff, operating engineers, HVAC, painting, moving and relocation services, and other service providers who provide services that are necessary to maintaining the safety, sanitation, and essential operation of residences, essential activities, and essential businesses and operations;

(10) mail, post, shipping, logistics, delivery, and pickup services, including post offices and other businesses that provide shipping and delivery services, and businesses that ship or deliver groceries, food, alcoholic and nonalcoholic beverages, goods, or services to end users or through commercial channels;

(11) educational institutions, including public and private pre-K-12 schools, colleges, and universities, for the purposes of facilitating remote learning, performing critical research, or performing other essential functions;

(12) laundry services, including laundromats, dry cleaners, industrial laundry services, and laundry service providers;

(13) restaurants for consumption off-premises, including restaurants and other facilities that prepare and serve food, but only for consumption off-premises, through such means as in-house delivery, third-party delivery, drive-through, curbside pickup, and carry-out;

(14) businesses providing supplies to work from home, including businesses that sell, manufacture, or supply products needed for people to work from home;

(15) businesses that provide supplies for essential businesses and operations, including businesses that sell, manufacture, or supply other essential businesses and operations with the support or materials necessary to operate, including computers, audio and video electronics, and household appliances; IT and telecommunication equipment; hardware, paint, and flat glass; electrical, plumbing, and heating materials; sanitary equipment; personal hygiene products; food, food additives, ingredients, and components; medical and orthopedic equipment; optics and photography equipment; diagnostics, food and beverages, chemicals, and soaps and detergent; and firearm and ammunition suppliers and retailers for purposes of safety and security;

(16) transportation businesses, including airlines, taxis, transportation network providers such as Uber and Lyft, vehicle rental services, paratransit, and other private, public, and commercial transportation and logistics providers necessary for essential activities and other purposes;

(17) home-based care and services, including home-based care for adults, seniors, children, and people with developmental disabilities, intellectual disabilities, substance use disorders, or mental illness, including caregivers such as nannies who may travel to the child's home to provide care, and other in-home services including meal delivery;

(18) residential facilities and shelters, including residential facilities and shelters for adults, seniors, children, and people with developmental disabilities, intellectual disabilities, substance use disorders, or mental illness;

(19) professional services, including legal services, accounting services, insurance services, information technology services, and real estate services including appraisal and title services;

(20) manufacture, distribution, and supply chain for critical products and industries, including manufacturing companies, distributors, and supply chain companies producing and supplying essential products and services in and for industries such as pharmaceutical, technology, biotechnology, health care, chemicals and sanitization, waste pickup and disposal, agriculture, food and beverage, transportation, energy, steel and steel products, petroleum and fuel, forest products, mining, construction, national defense, and communications, as well as products used by other essential businesses and operations;

(21) critical labor union functions, including labor union essential activities, such as the administration of health and welfare funds and personnel checking on the well-being and safety of members providing services in essential businesses and operations;

(22) hotels and motels, to the extent used for lodging and delivery or carry-out food services; and

(23) funeral services, including funeral, mortuary, cremation, burial, cemetery, and related services.

NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA:

That, on behalf of the grateful citizens of the State of Montana, the Montana House of Representatives hereby honors and sends gratitude to the essential workers of Montana for their selfless and courageous actions during this public health crisis.

BE IT FURTHER RESOLVED, that the Chief Clerk of the House of Representatives send a copy of this resolution to the following organizations to share with their membership: the Montana Emergency Medical Services Association, the Montana Hospital Association, the Montana Medical Association, the Montana Nurses Association, the Montana Primary Care Association, and the Montana State Fire Chiefs' Association.

Adopted March 11, 2021

HOUSE RESOLUTION NO. 2

A RESOLUTION OF THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA ADOPTING THE HOUSE RULES.

NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA:

That the following House Rules be adopted:

**RULES OF THE MONTANA
HOUSE OF REPRESENTATIVES
CHAPTER 1**

Administration

H10-10. House officers – definitions. (1) House officers include a Speaker, a Speaker pro tempore, majority and minority leaders, and majority and minority whips.

(2) A majority of representatives voting elects the Speaker and Speaker pro tempore from the House membership. A majority of each caucus voting nominates House members to the remaining offices, and those nominees are considered to have been elected by a majority vote of the House.

(3) (a) “Majority leader” means the leader of the majority party, elected by the caucus.

(b) “Majority party” means the party with the most members, subject to subsection (4).

(c) “Minority leader” means the leader of the minority party, elected by the caucus.

(d) “Minority party” means the party with the second most members, subject to subsection (4).

(4) If there are an equal number of members of the two parties with the most members, then the majority party is the party of the Speaker and the minority party is the other party with an equal number of members.

H10-20. Speaker’s duties. (1) The Speaker is the presiding officer of the House, with authority for administration, order, decorum, and the interpretation and enforcement of rules in all House deliberations.

(2) The Speaker shall see that all members conduct themselves in a civil manner in accordance with accepted standards of parliamentary conduct. The Speaker may, when necessary, order the Sergeant-at-Arms to clear the aisles and seat the members of the House so that business may be conducted in an orderly manner.

(3) Signs, placards, visual displays, or other objects of a similar nature are not permitted in the rooms, lobby, gallery, or on the floor of the House. The Speaker may order the galleries, lobbies, or hallway cleared in case of disturbance or disorderly conduct.

(4) The Speaker shall sign all necessary certifications by the House, including enrolled bills and resolutions, journals, subpoenas, and payrolls.

(5) The Speaker shall arrange the agendas for second and third readings each legislative day. Representatives may amend the agendas as provided in H40-130.

(6) The Speaker is the chief officer of the House, with authority for all House employees.

(7) The Speaker may name any member to perform the duties of the chair. If the House is not in session and the Speaker pro tempore is not available, the Speaker shall name a member who shall call the House to order and preside during the Speaker’s absence.

(8) Upon request of the Minority Leader, the Speaker will submit a request for a fiscal note on any bill.

H10-30. Speaker-elect. During the transition period between the party organization caucuses and the election of House officers, the Speaker-elect has the responsibilities and authority appropriate to organize the House. Authority includes approving presession expenditures.

H10-40. Speaker pro tempore duties. The Speaker pro tempore shall, in the absence or inability of the Speaker, call the House to order and perform all other duties of the chair in presiding over the deliberations of the House and shall perform other duties and exercise other responsibilities as may be assigned by the Speaker.

H10-50. Majority Leader. The primary functions of the majority leader usually relate to floor duties. The duties of the majority leader may include but are not limited to:

- (1) being the lead speaker for the majority party during floor debates;
- (2) helping the Speaker develop the calendar;
- (3) assisting the Speaker with program development, policy formation, and policy decisions; and
- (4) presiding over the majority caucus meetings; and
- (5) other duties as assigned by the caucus.

H10-60. Majority Whip. The duties of the majority whip may include but are not limited to:

- (1) assisting the majority leader;
- (2) ensuring member attendance;
- (3) counting votes;
- (4) generally communicating the majority position; and
- (5) other duties as assigned by the caucus.

H10-70. Minority Leader. The minority leader is the principal leader of the minority caucus. The duties of the minority leader may include but are not limited to:

- (1) developing the minority position;
- (2) negotiating with the majority party;
- (3) directing minority caucus activities on the chamber floor;
- (4) leading debate for the minority; and
- (5) other duties as assigned by the caucus.

H10-80. Minority Whip. The major responsibilities for the minority whip may include but are not limited to:

- (1) assisting the minority leader on the floor;
- (2) counting votes;
- (3) ensuring attendance of minority party members; and
- (4) other duties as assigned by the caucus.

H10-90. Employees. (1) The Speaker shall appoint a Chief Clerk and Sergeant-at-Arms and may appoint a Chaplain, subject to confirmation of the House.

(2) The Speaker shall employ necessary staff or delegate that function to the employees designated in subsection (1).

(3) The secretary for a standing or select committee is generally responsible to the committee chair but shall work under the direction of the Chief Clerk.

(4) The Speaker and majority and minority leaders may each appoint an assistant.

H10-100. Chief Clerk's duties. The Chief Clerk, under the supervision of the Speaker, is the chief administrative officer of the House and is responsible to:

- (1) supervise all House employees;
- (2) have custody of all records and documents of the House;
- (3) supervise the handling of legislation in the House, the House journal, and other House publications; deliver to the Secretary of State at the close of each session the House journal, bill and resolution records, and all original House bills and joint resolutions; collect minutes and exhibits from all House committees and subcommittees and arrange to have them printed on archival

paper and copied in an electronic format within a reasonable time after each meeting. An electronic copy will be provided to the Legislative Services Division and the State Law Library of Montana. The archival paper copy will be delivered to the Montana Historical Society.

H10-110. Duties of Sergeant-at-Arms. The Sergeant-at-Arms shall:

(1) under the direction of the Speaker and the Chief Clerk, have charge of and maintain order in the House, its lobbies, galleries, and hallways and all other rooms in the Capitol assigned for the use of the House;

(2) be present whenever the House is in session and at any other time as directed by the presiding officer;

(3) execute the commands of the House and serve the writs and processes issued by the authority of the House and directed by the Speaker;

(4) supervise assistants to the Sergeant-at-Arms, who shall aid in the performance of prescribed duties and who have the same authority, subject to the control of the Speaker;

(5) clear the floor and anteroom of the House of all persons not entitled to the privileges of the floor prior to the convening of each session of the House;

(6) bring in absent members when so directed under a call of the House;

(7) enforce the distribution of any printed matter in the House chambers and anteroom in accordance with H20-70;

(8) enforce parking regulations applicable to areas of the Capitol complex under the control of the House;

(9) supervise the doorkeeper; and

(10) supervise the pages.

H10-120. Legislative aides. (1) A legislative aide is a person specifically designated by a representative to assist that representative in performing legislative duties. A representative may sponsor one legislative aide a session by written notification to the Sergeant-at-Arms.

(2) No representative may designate a second legislative aide in the same session without the approval of the House Rules Committee.

(3) A legislative aide must be of legal age unless otherwise approved by the House Rules Committee.

(4) The Sergeant-at-Arms shall issue distinctive identification tags to legislative aides. The cost must be paid by the sponsoring representative.

H10-140. House journal. (1) The House shall keep a journal, which is the official record of House actions (Montana Constitution, Art. V, Sec. 10). The journal must be prepared under the direction of the Speaker.

(2) Records of the following proceedings must be entered on the journal:

(a) the taking and subscription of the constitutional oath by representatives (Montana Constitution, Art. III, Sec. 3);

(b) committee reports;

(c) messages from the Governor;

(d) messages from the Senate;

(e) every motion, the name of the representative presenting it, and its disposition;

(f) the introduction of legislation in the House;

(g) consideration of legislation subsequent to introduction;

(h) on final passage of legislation, the names of the representatives and their vote on the question (Montana Constitution, Art. V, Sec. 11);

(i) roll call votes; and

(j) upon a request by two representatives before a vote is taken, the names of the representatives and their votes on the question.

(3) The Chief Clerk shall provide to the Legislative Services Division such information as may be required for the publication of the daily journal.

(4) Any representative may examine the daily journal and propose corrections. The Speaker may direct a correction to be made when suggested subject to objection by the House.

(5) The Speaker shall authenticate the House journal after the close of the session.

(6) The Legislative Services Division shall publish and distribute the House journal (sections 5-11-202 and 5-11-203, MCA). The title of each bill must be listed in the index of the published session journal.

H10-150. Votes recorded and public. Every vote of each representative on each substantive question in the House, in any committee, or in Committee of the Whole must be recorded and made public (Montana Constitution, Art. V, Sec. 11).

H10-160. Duration of legislative day. A legislative day ends either 24 hours after the House convenes for that day or at the time the House convenes for the following legislative day, whichever is earlier. (See Joint Rule 10-20.)

CHAPTER 2

Decorum

H20-10. Addressing the House – recognition. (1) When a member desires to speak to or address any matter to the House, the member should rise and respectfully address the Speaker or the presiding officer.

(2) The Speaker or presiding officer may ask, “For what purpose does the member rise?” or “For what purpose does the member seek recognition?” and may then decide if recognition is to be granted, except that the Speaker or presiding officer shall always recognize the Speaker pro tempore, the majority leader, or the minority leader.

H20-20. Questions of order and privilege – appeal – restrictions – definitions. (1) The Speaker shall decide all questions of order and privilege, subject to an appeal by any representative, seconded by two representatives, to the House for determination by majority vote. The question on appeal is, “Shall the decision of the chairman be sustained?”

(2) Responses to parliamentary inquiries and decisions of recognition may not be appealed.

(3) Questions of order and privilege, in order of precedence, are:

(a) those affecting the collective rights, safety, dignity, and integrity of the House; and

(b) those affecting the rights, reputation, and conduct of individual representatives.

(4) A member may not address the House on a question of privilege between the time:

(a) an undebatable motion is offered and the vote is taken on the motion;

(b) the previous question is ordered and the vote is taken on the proposition included under the previous question; or

(c) a motion to lay on the table is offered and the vote is taken on the motion.

(5) (a) “Parliamentary inquiry” means a request for information regarding some procedure concerning some questions before the house.

(b) “Questions of order and privilege” means those questions as provided for in subsection (3) that enforce the House rules, maintain the order of the House, and protect the integrity, rights, and privileges of the House and its members.

H20-30. Limits on lobbying. Lobbying on the House floor and in the anteroom is prohibited during a daily session, 2 hours before the session, and 2 hours after the session. A registered lobbyist is prohibited from the house floor.

H20-40. Admittance to the House floor. (1) The following persons may be admitted to the House floor during a daily session: present legislators and

former legislators who are not registered lobbyists; legislative employees necessary for the conduct of the session; registered media representatives; and members' spouses and children. The Speaker may allow exceptions to this rule.

(2) Only a member may sit in a member's chair when the House is in session.

H20-50. Dilatory motions or questions – appeal. The House has a right to protect itself from dilatory motions or questions used for the purpose of delaying or obstructing business. The presiding officer shall decide if motions (except a call of the House) or questions are dilatory. This decision may be appealed to the House for a determination by majority vote.

H20-60. Lobbying by employees – sanctions. (1) A legislative employee or aide of either house is prohibited from lobbying, although a legislative committee may request testimony from a person so restricted.

(2) The Speaker may discipline or discharge any House employee violating this prohibition. The Speaker may withdraw the privileges of any House aide violating this prohibition.

H20-70. Papers distributed on desks – exception. A paper concerning proposed legislation may not be placed on representatives' desks unless it is authorized by a member and permission has been granted by the Speaker. The Sergeant-at-Arms shall direct its distribution. This restriction does not apply to material prepared by staff and placed on a representative's desk at the request of the representative.

H20-80. Violation of rules – procedure – appeal. (1) If a member, in speaking or otherwise, violates the rules of the House, the Speaker shall, or the majority or minority leader may, call the member to order, in which case the member called to order must be seated immediately.

(2) The member called to order may move for an appeal to the House and if the motion is seconded by two members, the matter must be submitted to the House for determination by majority vote. The motion is nondebatable.

(3) If the decision of the House is in favor of the member called to order, the member may proceed. If the decision is against the member, the member may not proceed.

(4) If a member is called to order, the matter may be referred to the Rules Committee by the minority or majority leader. The Committee may recommend to the House that the member be censured or be subject to other action. Censure consists of an official public reprimand of a member for inappropriate behavior. The House shall act upon the recommendation of the Committee.

CHAPTER 3

Committees

H30-05. Interim committee appointments. (1) The Speaker shall, with the approval of the House by a majority vote, appoint the membership of interim committees no later than 10 legislative days before the scheduled 90th legislative day or prior to adjournment sine die if before the 90th legislative day.

(2) A change by the Speaker of an interim committee appointment or the filling of a vacancy may be approved by the House by a majority vote.

(3) (a) As provided in subsection (3)(b), the House may change the membership of any interim committee by a three-fifths vote of the members present and voting on 3 legislative days' notice.

(b) A member under Order of Business No. 9 may move that specified changes be made to the membership of any interim committee, with the vote 3 legislative days from the day the motion was made.

H30-10. House standing committees – appointments – classification.

(1) (a) (i) The Speaker shall determine the total number of members and after

good faith consultation with the minority leader shall, with the approval of the House by a majority vote, appoint the chairs, vice chairs, and members to the standing committees.

(ii) A change by the Speaker of a standing committee appointment or the filling of a vacancy may be approved by the House by a majority vote.

(b) The minority leader shall designate a minority vice chair for each standing committee.

(2) The standing committees of the House are as follows:

(a) class one committees:

(i) Appropriations;

(ii) Business and Labor;

(iii) Human Services;

(iv) Judiciary;

(v) State Administration; and

(vi) Taxation;

(b) class two committees:

(i) Education;

(ii) Energy, Technology, and Federal Relations;

(iii) Natural Resources; and

(iv) Transportation;

(c) class three committees:

(i) Agriculture;

(ii) Fish, Wildlife, and Parks; and

(iii) Local Government; and

(d) on call committees:

(i) Ethics;

(ii) Rules; and

(iii) Legislative Administration.

(3) A class 1 committee is scheduled to meet Monday through Friday. A class 2 committee is scheduled to meet Monday, Wednesday, and Friday. A class 3 committee is scheduled to meet Tuesday and Thursday. Unless a class is prescribed for a committee, it meets upon the call of the chair.

(4) The Legislative Council shall review the workload of the standing committees to determine if any change is indicated in the class of a standing committee for the next legislative session. The Legislative Council's recommendations must be submitted to the leadership nominated or elected at the presession caucus.

(5) There will be six subcommittees of the Committee on Appropriations, Education, General Government, Health and Human Services, Natural Resources and Transportation, Judicial Branch, Law Enforcement, and Justice, and Long-Range Planning. Each member serving on the Appropriations Committee must be appointed to at least one of the subcommittees.

(6) The Speaker shall give notice of each appointment to the Chief Clerk for publication.

(7) (a) The Speaker may, in the Speaker's discretion or as authorized by the House, create and appoint select committees, designating the chairman and vice chairman of the select committee with the approval of the House by a majority vote. Select committees may request or receive legislation in the same manner as a standing committee and are subject to the rules of standing committees.

(b) A change by the Speaker of select committee appointment or the filling of a vacancy may be approved by the House by a majority vote.

(8) (a) The Speaker shall appoint all conference, select, and special committees with the advice of the majority leader and minority leader and with the approval of the House by a majority vote.

(b) A change by the Speaker of a conference, select, or special committee appointment or the filling of a vacancy may be approved by the House by a majority vote.

(9) (a) (i) Except as provided in subsection (9)(b), the House may change the membership of any committee by a three-fifths vote of the members present and voting on 3 legislative days' notice as provided in subsection (9)(a)(ii).

(ii) A member under Order of Business No. 9 may move that specified changes be made to the membership of any committee, with the vote 3 legislative days from the day the motion was made.

(b) (i) The House may change the membership of a conference committee by a three-fifths vote of the members present and voting on 2 legislative days' notice as provided in subsection (9)(b)(ii).

(ii) A member under Order of Business No. 9 may move that specified changes be made to the membership of any committee, with the vote 2 legislative days from the day the motion was made.

H30-20. Chairman's duties. (1) The principal duties of the chairman of standing or select committees are to:

(a) preside over meetings of the committee and to put all questions;

(b) except as provided in H30-40(3)(b) and H30-50(3)(b), schedule all bills assigned to committee for a hearing prior to 3 legislative days before the applicable transmittal deadline for the bill as provided in Joint Rule 40-200;

(c) maintain order and decide all questions of order subject to appeal to the committee;

(d) supervise and direct staff of the committee;

(e) have the committee secretary keep the official record of the minutes;

(f) sign reports of the committee and submit them promptly to the Chief Clerk;

(g) appoint subcommittees to perform on a formal or an informal basis as provided in subsection (2); and

(h) inform the Speaker of committee activity.

(2) With the exception of the House Appropriations subcommittees, a subcommittee of a standing committee may be appointed by the chairman of the committee. The chairman of the standing committee shall appoint the chairman of the subcommittee.

H30-30. Quorum – officers as members. (1) A quorum of a committee is a majority of the members of the committee. A quorum of a committee must be present at a meeting to act officially. A quorum of a committee may transact business, and a majority of the quorum, even though it is a minority of the committee, is sufficient for committee action.

(2) The Speaker, the majority leader, and the minority leader are ex officio, nonvoting members of all House committees. They may count toward establishing a quorum.

H30-40. Meetings – purpose – notice – minutes. (1) All meetings of committees must be open to the public at all times, subject always to the power and authority of the chairman to maintain safety, order, and decorum. The date, time, and place of committee meetings must be posted.

(2) A committee or subcommittee may be assembled for:

(a) a public hearing at which testimony is to be heard and at which official action may be taken on bills, resolutions, or other matters;

(b) a formal meeting at which the committees may discuss and take official action on bills, resolutions, or other matters without testimony; or

(c) a work session at which the committee may discuss bills, resolutions, or other matters but take no formal action.

(3) (a) All committees meet at the call of the chairman or upon the request of a majority of the members of the committee.

(b) A committee, through motion, may schedule a bill within the possession of the committee for a hearing prior to 3 legislative days before the applicable transmittal deadline for the bill as provided in Joint Rule 40-200.

(4) All committees shall provide for and give public notice, reasonably calculated to give actual notice to interested persons, of the time, place, and subject matter of regular and special meetings. All committees are encouraged to provide at least 3 legislative days' notice to members of committees and the general public. However, a meeting may be held upon notice appropriate to the circumstances.

(5) A committee may not meet during the time the House is in session without leave of the Speaker. Any member attending such a meeting must be considered excused to attend business of the House subject to a call of the House.

(6) All meetings of committees must be recorded and the minutes must be available to the public within a reasonable time after the meeting. The official record must contain at least the following information:

(a) the time and place of each meeting of the committee;

(b) committee members present, excused, or absent;

(c) the names and addresses of persons appearing before the committee, whom each represents, and whether the person is a proponent, opponent, or other witness;

(d) all motions and their disposition;

(e) the results of all votes;

(f) references to the recording log, sufficient to serve as an index to the original recording; and

(g) testimony and exhibits submitted in writing.

H30-50. Procedures – absentee or proxy voting – member privileges.

(1) The chairman shall notify the sponsor of any bill pending before the committee of the time and place it will be considered.

(2) A standing or select committee may not take up referred legislation unless the sponsor or one of the cosponsors is present or unless the sponsor has given written consent. The chairman shall attempt to not schedule Senate bills while the Senate is in session.

(3) (a) Subject to H30-60 and subsection (3)(b), the committee shall act on each bill in its possession and that has had a hearing prior to the last legislative day before the applicable transmittal deadline for the bill as provided in Joint Rule 40-200:

(i) by reporting the bill out of the committee:

(A) with the recommendation that it be referred to another committee;

(B) favorably as to passage; or

(C) unfavorably; or

(ii) by tabling the measure in committee.

(b) Except as provided in subsection (3)(c), at the written request of the sponsor made at least 48 hours prior to a scheduled hearing, a bill may be withdrawn by the sponsor without a hearing. A bill may not be reported from a committee without a hearing.

(c) A bill may not be withdrawn by the sponsor after a hearing.

(4) The committee may not report a bill to the House without recommendation.

(5) The committee may recommend that a bill on which it has made a favorable recommendation by unanimous vote be placed on the consent calendar. A tie vote in a standing committee on the question of a recommendation to the whole House on a matter before the committee, for example on a question of whether a bill is recommended as "do pass" or "do not pass", does not result in the matter passing out to the whole House for consideration without recommendation.

(6) In reporting a measure out of committee, a committee shall include in its report:

- (a) the measure in the form reported out;
- (b) the recommendation of the committee;
- (c) an identification of all substantive changes; and
- (d) a fiscal note, if required and available.

(7) If a measure is withdrawn from a committee and brought to the House floor for debate on second reading on that day without a committee recommendation, the bill does not include amendments formally adopted by the committee because committee amendments are merely recommendations to the House that are formally adopted when the committee report is accepted by the House.

(8) A second to any motion offered in a committee is not required in order for the motion to be considered by the committee.

(9) The vote of each member on all committee actions must be recorded. All motions may be adopted only on the affirmative vote of a majority of the members voting. Standing and select committees may by a majority vote of the committee authorize members to vote by proxy if absent, while engaged in other legislative business or when excused by the presiding officer of the committee due to illness or an emergency. Authorization for absentee or proxy voting must be reflected in the committee minutes.

(10) A motion to take a bill from the table may be adopted by the affirmative vote of a majority of the members present at any meeting of the committee.

(11) An action formally taken by a committee may not be altered in the committee except by reconsideration and further formal action of the committee.

(12) A committee may reconsider any action as long as the matter remains in the possession of the committee. A committee member need not have voted with the prevailing side in order to move reconsideration.

(13) (a) Except as provided in subsection (13)(b), legislation requested by a committee requires three-fourths of all members of the committee to vote in favor of the question to allow the committee to request the drafting or introduction of legislation. Votes requesting drafting and introduction of committee legislation may be taken jointly or separately.

(b) The House Appropriations committee may request the drafting and introduction of legislation by a majority vote of all of the members of the committee.

(14) The chairman shall decide points of order.

(15) The privileges of committee members include the following:

- (a) to participate freely in committee discussions and debate;
- (b) to offer motions;
- (c) to assert points of order and privilege;
- (d) to question witnesses upon recognition by the chairman;
- (e) to offer any amendment to any bill; and
- (f) to vote, either by being present or by proxy if authorized pursuant to subsection (9), using a standard form or through the vice chairman or minority vice chairman.

(16) Any meeting of a committee held through the use of telephone or other electronic communication must be conducted in accordance with Chapter 3 of the House Rules.

(17) A committee may consolidate into one bill any two or more related bills referred to it whenever legislation may be simplified by the consolidation.

(18) Committee procedure must be informal, but when any questions arise on committee procedure, the rules or practices of the House are applicable except as stated in the House Rules.

H30-60. Public testimony -- decorum -- time restrictions.

(1) Testimony from proponents, opponents, and informational witnesses must be allowed on every bill or resolution before a standing or select committee. All persons, other than the sponsor, offering testimony shall register on the committee witness list.

(2) Any person wishing to offer testimony to a committee hearing a bill or resolution must be given a reasonable opportunity to do so, orally or in writing. Written testimony may not be required of any witness, but all witnesses must be encouraged to submit a statement in writing for the committee's official record.

(3) The chairman may order the committee room cleared of visitors if there is disorderly conduct. During committee meetings, visitors may not speak unless called upon by the chairman. Restrictions on time available for testimony may be announced.

(4) The number of people in a committee room may not exceed the maximum posted by the State Fire Marshal. The chairman shall maintain that limit.

(5) In any committee meeting, the use of cameras, television, radio, or any form of telecommunication equipment is allowed, but the chairman may designate the areas of the hearing room from which the equipment must be operated. Cell phone use is allowed only at the discretion of the chairman.

CHAPTER 4

Legislation

H40-10. Introduction deadlines. If a representative accepts drafted legislation from the Legislative Services Division after the deadline for preintroduction, the representative may not introduce that legislation after 2 legislative days from the time the bill was accepted from the Legislative Services Division.

H40-20. House resolutions. (1) A House resolution is used to adopt or amend House rules, make recommendations on the districting and apportionment plan (Montana Constitution, Art. V, Sec. 14), express the sentiment of the House, or assist House operations.

(2) As to drafting, introduction, and referral, a House resolution is treated as a bill. A House resolution may be requested and introduced at any time. Final passage of a House resolution is determined by the Committee of the Whole report. A House resolution does not progress to third reading.

(3) The Chief Clerk shall transmit a copy of each passed House resolution to the Senate and the Secretary of State.

H40-30. Cosponsors. (1) Prior to submitting legislation to the Chief Clerk for introduction, the chief sponsor may add representatives and senators as cosponsors. A legislator shall sign the cosponsor form attached to the legislation in order to be added as a cosponsor.

(2) After legislation is submitted for introduction but before the legislation returns from the first House committee, the chief sponsor may add or remove cosponsors by filing a cosponsor form with the Chief Clerk. This filing must be noted by the Chief Clerk for the record on Order of Business No. 11.

H40-40. Introduction – receipt – messages from Senate and elected officials. (1) During a session, proposed House legislation may be introduced in the House by submitting it, endorsed with the signature of a representative as chief sponsor, to the Chief Clerk for introduction. Except for the first 15 bill numbers that may be reserved for preintroduced legislation, in each session of the Legislature, the proposed legislation must be numbered consecutively by type in the order of receipt. Submission and numbering of properly endorsed legislation constitutes introduction.

(2) Preintroduction of legislation prior to a session under provisions of the joint rules constitutes introduction in the House.

(3) Acknowledgment by the Chief Clerk of receipt of legislation or other matters transmitted from the Senate for consideration by the House constitutes introduction of the Senate legislation in the House or receipt by the House for purposes of applying time limits contained in the House rules. All legislation may be referred to a committee prior to being read across the rostrum as provided in H40-50.

(4) Acknowledgment by the Chief Clerk of receipt of messages from the Senate or other elected officials constitutes receipt by the House for purposes of any applicable time limit. Senate legislation or messages received from the Senate or elected officials are subject to all other rules.

H40-50. First reading – receipt of Senate legislation. Legislation properly introduced or received in the House must be announced across the rostrum and public notice provided. This announcement constitutes first reading, and no debate or motion is in order except that a representative may question adherence to rules. Acknowledgment by the Chief Clerk of receipt of legislation transmitted from the Senate commences the time limit for consideration of the legislation. All legislation received by the House may be referred to a committee prior to being read across the rostrum.

H40-60. One reading per day – exception. Except on the final legislative day, legislation may receive no more than one reading per legislative day. On the final legislative day, legislation may receive more than one reading.

H40-70. Referral. (1) The Speaker shall refer to a House committee, joint select committee, or joint special committee all properly introduced House legislation and transmitted Senate legislation in conformity with the House Rules Appendix and within 2 legislative days of introduction or transmission.

(2) Legislation may not receive final passage and approval unless it has been referred to a House committee, joint select committee, or joint special committee.

H40-80. Rereferral – Appropriations Committee rereferral – normal progression. (1) Legislation that is in the possession of the House and that has not had a House hearing in the currently assigned House committee may be rereferred to a House committee in accordance with the House Rules Appendix, by House motion approved by a majority of the members present and voting.

(2) (a) With the consent of the majority leader, the minority leader, and the bill sponsor, legislation that has passed second reading in the Committee of the Whole and that has been rereferred to the Appropriations Committee and is reported from committee without amendments may be placed on third reading.

(b) Prior to being placed on third reading, legislation rereferred must be sent to be processed and reproduced as a third reading version and specifically marked as having been passed on second reading and rereferred to the House Appropriations Committee and reported from the committee without amendments.

(3) (a) The normal progress of legislation through the House consists of the following steps in the order listed: introduction; referral to a standing or select committee; a report from the committee; second reading; and third reading.

(b) A motion to remove legislation from its normal progress through the House as provided in subsection (3)(a) by House motion must be approved by not less than three-fifths of the members present and voting.

H40-90. Legislation withdrawn from committee. Legislation may be withdrawn from a House committee after a committee hearing on the legislation by House motion approved by not less than three-fifths of the members present and voting.

H40-100. Standing committee reports – requirement for rejection of adverse committee report. (1) A House standing committee recommendation of “do pass” or “be concurred in” must be announced across the rostrum and, if there is no objection to form, is considered adopted.

(2) A recommendation of “do not pass” or “be not concurred in” must be announced across the rostrum and, on the following legislative day, may be debated and adopted or rejected on Order of Business No. 2. A motion to reject an adverse committee report must be approved by a majority of the members voting. Failure to adopt a motion to reject an adverse committee report constitutes adoption of the report.

(3) If the House rejects an adverse committee report, the bill progresses to second reading, as scheduled by the Speaker, with any amendments recommended by the committee.

H40-110. Consent calendar procedure. (1) Noncontroversial bills and simple and joint resolutions may be recommended for the consent calendar by a standing committee and processed according to the following provisions:

(a) To be eligible for the consent calendar, the legislation must receive a unanimous vote by the members of the standing committee in attendance (do pass, do pass as amended). In addition, a motion must be made and passed unanimously to place the legislation on the consent calendar and this action reflected in the committee report. Appropriation or revenue bills may not be recommended for the consent calendar.

(b) The legislation must then be sent to be processed and reproduced as a third reading version and specifically marked as a “consent calendar” item.

(2) Other legislation may be placed on the consent calendar by agreement between the Speaker and the minority leader following a positive recommendation by a standing committee. The legislation must be sent to be processed as a second reading version but must be specifically announced and posted as a “consent calendar” item.

(3) Legislation must be posted immediately (as soon as it is received appropriately printed) on the consent calendar and must remain there for 1 legislative day before consideration under Order of Business No. 11, special orders of the day. At that time, the presiding officer shall announce consideration of the consent calendar and allow “reasonable time” for questions and answers upon request. No debate is allowed.

(4) If any one representative submits a written objection to the placement of legislation on the consent calendar, the legislation must be removed from the consent calendar and added to the regular second reading board.

(5) Consent calendar legislation will be considered on Order of Business No. 8, third reading of bills, following the regular third reading agenda, as separately noted on the agenda.

(6) Legislation on the consent calendar must be considered individually with the roll call vote spread on the journal as the final vote in the House.

(7) Legislation passed on the consent calendar must then be transmitted to the Senate. Legislation must be appropriately printed prior to transmittal.

H40-120. Legislation requiring other than a majority vote. Legislation that requires other than a majority vote for final passage needs only a majority vote for any action that is taken prior to third reading and that normally requires a majority vote.

H40-130. Amending House second and third reading agendas – vote requirements. (1) A majority of representatives present may rearrange or remove legislation from either the second or third reading agenda on that legislative day.

(2) (a) Legislation reported out of committee may be added to the second reading agenda on that legislative day on a motion approved by a majority of the members present and voting.

(b) Legislation reported out of the Committee of the Whole may be added to the third reading agenda on 1 day's notice on a motion approved by a majority of the members present and voting.

H40-140. Second reading – timing – obverse vote on failed motion – status of amendments – rejection of report – segregation. (1) Legislation returned or withdrawn from committee by motion must be placed on second reading prior to the transmittal deadlines provided for in Joint Rule 40-200 that are applicable to each piece of legislation.

(2) The House shall form itself into a Committee of the Whole to consider business on second reading. The Committee of the Whole may debate legislation, attach amendments, and recommend approval or disapproval of legislation.

(3) Except on the final legislative day, at least 1 legislative day must elapse between the time legislation is reported from committee and the time it is considered on second reading.

(4) If a motion to recommend that a bill “do pass” or “be concurred in” fails in the Committee of the Whole, the obverse, i.e., a recommendation that the bill “do not pass” or “be not concurred in”, is considered to have passed. If a motion to recommend that a bill “do not pass” or “be not concurred in” fails in the Committee of the Whole, the obverse, i.e., a recommendation that the bill “do pass” or “be concurred in”, is considered to have passed.

(5) An amendment attached to legislation by the Committee of the Whole remains unless removed by further legislative action.

(6) When the Committee of the Whole reports to the House, the House shall adopt or reject the Committee of the Whole report. If the House rejects the Committee of the Whole report, the legislation remains on second reading, as amended by the Committee of the Whole, and must be acted on by the Committee of the Whole by the next legislative day unless the House orders otherwise.

(7) A representative may move to segregate legislation from the Committee of the Whole report before the report is adopted. Segregated legislation, as amended by the Committee of the Whole, must be placed on second reading unless the House orders otherwise. Amendments adopted by the Committee of the Whole on segregated legislation remain adopted unless reconsidered pursuant to H50-170 or unless the legislation is rereferred to a committee.

H40-150. Amendments in the Committee of the Whole – timing – official records. (1) All Committee of the Whole amendments must be prepared by the Legislative Services Division and checked by the House amendments coordinator for format, style, clarity, consistency, and other factors, in accordance with the most recent Bill Drafting Manual published by the Legislative Services Division, before the amendment may be accepted at the rostrum. The amendment form must include the date and time the amendment is submitted for that check.

(2) An amendment submitted to the rostrum for consideration by the Committee of the Whole must be marked as checked by the amendments coordinator and signed by a representative. Unless the majority leader, the minority leader, and sponsor agree, amendments must be printed and placed on the members' desks or electronically posted or sent to the members prior to consideration.

(3) An amendment may not be proposed until the sponsor has opened on a bill.

(4) A copy of every amendment rejected by the Committee of the Whole must be kept as part of the official records.

(5) An amendment may not change the original purpose of the bill.

H40-160. Motions in the Committee of the Whole – quorum required.

(1) When the House resolves itself into a Committee of the Whole, the only motions in order are to:

(a) recommend passage or nonpassage;

(b) recommend concurrence or nonconcurrence (Senate amendments to House legislation);

(c) amend;

(d) reconsider as provided in H50-170;

(e) pass consideration;

(f) call for cloture;

(g) change the order in which legislation is placed on the agenda; and

(h) rise, rise and report, or rise and report progress and beg leave to sit again.

(2) Subsections (1)(d) through (1)(f) and (1)(h) are nondebatable but may be amended. Once a motion under subsection (1)(a) or (1)(b) is made, a contrary motion is not in order.

(3) The motions listed in subsection (1) may be made in descending order as listed.

(4) If a quorum of representatives is not present during second reading, the Committee of the Whole may not conduct business on legislation and a motion for a call of the House without a quorum is in order.

H40-170. Limits on debate in the Committee of the Whole. (1) Except as provided in H40-180, a representative may not speak more than once on the motion and may speak for no more than 5 minutes. The representative who makes the motion may speak a second time for 5 minutes in order to close.

(2) (a) Except as provided in subsection (2)(b), after at least two proponents and two opponents have spoken on a question and 30 minutes have elapsed from the point in time that the sponsor's opening remarks on the motion end and debate on the motion begins, a motion to call for cloture is in order.

(b) (i) The 30-minute tolling requirement for a cloture motion made pursuant to subsection (2)(a) does not include time spent on floor debate of a substitute motion to amend the original question.

(ii) Each substitute motion to amend the original question is subject to a cloture motion and the cloture requirements provided for in this rule.

(iii) Once a substitute motion to amend is dispensed with and there are no other substitute motions to amend, the 30-minute tolling requirement for the original question pursuant to subsection (2)(a) resumes from the point in time in which the first substitute motion to amend was made.

(c) Approval by not less than two-thirds of the members present and voting is required to sustain a motion for cloture. Notwithstanding the passage of a motion to end debate, the sponsor of the motion on which debate was ended may close.

(3) By previous agreement of the majority leader and the minority leader:

(a) a lead proponent and a lead opponent may be granted additional time to speak on a bill;

(b) a bill or resolution may be allocated a predetermined amount of time for debate and number of speakers.

H40-180. Special provisions for debate on the general appropriations bill – sections – amendments. (1) The Appropriations Committee chairman, in presenting the bill, is not subject to the 5-minute speaking limitation.

(2) Each appropriations subcommittee chairman shall fully present the chairman's portion of the bill. A subcommittee chairman is not subject to the 5-minute speaking limitation.

(3) After the presentation by the subcommittee chairman, the respective section of the bill is open for debate, questions, and amendments. A proposed amendment to the general appropriations act may not be divided.

(4) An amendment that affects more than one section of the bill must be offered when the first section affected is considered.

(5) Following completion of the debate on each section, that section is closed and may not be reopened except by majority vote.

(6) If a member moves to reopen a section for amendment, only the amendment of that member may be entertained. Another member wishing to amend the same section shall make a separate motion to reopen the section.

(7) Debate on the motion to reopen a section is limited to the question of reopening the section. The amendment itself may not be debated at that time. This limitation does not prohibit the member from explaining the amendment to be considered.

H40-190. Engrossing. (1) After legislation is passed on second reading, it must be engrossed within 48 hours under the direction of the Speaker. The Speaker may grant an additional 24 hours for engrossing.

(2) When the legislation that has passed second reading, as amended, has been correctly engrossed, it must be placed on third reading on the following legislative day. If the bill is not amended, the bill must be sent to printing and must be placed on third reading on the legislative day after receipt. On the final legislative day, the correctly engrossed legislation may be placed on third reading on the same legislative day. For the purposes of this rule, "engrossing" means placing amendments in a bill. (See Joint Rule 40-150.)

H40-200. Third reading. (1) All bills, joint resolutions, and Senate amendments to House bills and joint resolutions passing second reading must be placed on third reading the day following the receipt of the engrossing or other appropriate printing report.

(2) Legislation on third reading may not be amended or debated.

(3) The Speaker shall state the question on legislation on third reading. If a majority of the representatives voting does not approve the legislation, it fails to pass third reading.

H40-210. Senate legislation in the House. Senate legislation properly transmitted to the House must be treated as House legislation.

H40-220. Senate amendments to House legislation. (1) When the Senate has properly returned House legislation with Senate amendments, the House shall announce the amendments on Order of Business No. 4, and the Speaker shall place them on second reading for debate. The Speaker may, with the approval of the House, rerefer House legislation with Senate amendments to a committee for a hearing if the Senate amendments constitute a significant change in the House legislation. The second reading vote is limited to consideration of the Senate amendments.

(2) If the House accepts Senate amendments, the House shall place the final form of the legislation on third reading to determine if the legislation, as amended, is passed or if the required vote is obtained.

(3) If the House rejects the Senate amendments, the House may request the Senate to recede from its amendments or may direct appointment of a conference committee and request the Senate to appoint a like committee.

H40-230. Conference committee reports. (1) When a House conference committee files a report, the report must be announced under Order of Business No. 3.

(2) The House may debate and adopt or reject the conference committee report on second reading on any legislative day. The House may reconsider its action in rejecting a conference committee report under rules for reconsideration, H50-160.

(3) If both the House and the Senate adopt the same conference committee report on legislation requiring more than a majority vote for final passage, the House, following approval of the conference committee report on third reading, shall place the final form of the legislation on third reading to determine if the required vote is obtained.

(4) If the House rejects a conference committee report, the committee continues to exist unless dissolved by the Speaker or by motion. The committee may file a subsequent report.

(5) A House conference committee may confer regarding matters assigned to it with any Senate conference committee with like jurisdiction and submit recommendations for consideration of the House.

H40-240. Enrolling. (1) When House legislation has passed both houses, it must be enrolled within 48 hours under the direction of the Speaker. The Speaker may grant an additional 24 hours for enrolling.

(2) The chief sponsor of the legislation shall examine the enrolled legislation and, if it has no enrolling errors, shall, within 1 legislative day, certify the legislation as correctly enrolled.

(3) The correctly enrolled legislation must be delivered to the Speaker, who shall sign the legislation within 1 day of receipt of the correctly enrolled legislation unless the bill sponsor concurs to delay the signing of the enrolled legislation.

(4) After the legislation has been reported correctly enrolled but before it is signed, any representative may examine the legislation. (See Joint Rule 40-160.)

H40-250. Governor's amendments. (1) (a) When the Governor returns a bill with recommended amendments, the House shall announce the amendments under Order of Business No. 5.

(b) The Governor's amendments must be placed on the second reading agenda for consideration by the Committee of the Whole or may be assigned to a committee in accordance with the House Rules Appendix for a recommendation of adoption or rejection of the Governor's amendments.

(2) The House may debate and adopt or reject the Governor's recommended amendments on second reading on any legislative day.

(3) If both the House and the Senate accept the Governor's recommended amendments on a bill that requires more than a majority vote for final passage, the House shall place the final form of the legislation on third reading to determine if the required vote is obtained.

H40-260. Governor's veto. (1) When the Governor returns a bill with a veto, the House shall announce the veto under Order of Business No. 5.

(2) On any legislative day, a representative may move to override the Governor's veto by a two-thirds vote under Order of Business No. 9.

CHAPTER 5**Floor Actions**

H50-10. Attendance – excuse – call of the House. (1) A representative, unless excused, is required to be present at every sitting of the House.

(2) A representative may request in writing to be excused for a specified cause by the representative's party leader. This excused absence is not a leave with cause from a call of the House.

H50-20. Quorum. (1) A quorum of the House is fifty-one representatives (Montana Constitution, Art. V, Sec. 10).

(2) Any representative may question the lack of a quorum at any time a vote is not being taken. The question is nondebatable, may not be amended, and is resolved by a roll call.

(3) The House may not conduct business without a quorum, except that representatives present may convene, compel the attendance of absent representatives, or adjourn.

H50-30. Call of the House without a quorum. (1) In the absence of a quorum, a majority of the representatives present may compel the attendance of absent representatives through a call of the House without a quorum. The motion for the call is nondebatable, may not be amended, and is in order at any time it has been established that a quorum is not present.

(2) During a call of the House, all business is suspended. No motion is in order except a motion to adjourn or to remove the call.

(3) When a quorum has been achieved under the call, the call is automatically lifted. The call may also be lifted by a successful motion to adjourn for the day or by two-thirds of the representatives present and voting.

H50-50. Leave with cause during call of the House. (1) During a call of the House, a representative with an overriding medical or personal reason may request a leave with cause.

(2) If the representative is present at the time of the call, the Speaker, with the approval of a majority of representatives present, may approve a request for a leave with cause.

(3) If the representative is not present at the time of the call, two-thirds of the representatives present and voting may approve a request for leave with cause.

(4) During a call of the House, a representative on leave with cause may not cast an absentee vote.

H50-60. Opening and order of business. The opening of each legislative day must include an invocation, the pledge of allegiance, and roll call. Following the opening, the order of business of the House is as follows:

- (1) communications and petitions;
- (2) reports of standing committees;
- (3) reports of select committees;
- (4) messages from the Senate;
- (5) messages from the Governor;
- (6) first reading and commitment of bills;
- (7) second reading of bills;
- (8) third reading of bills;
- (9) motions;
- (10) unfinished business;
- (11) special orders of the day; and
- (12) announcement of committee meetings.

H50-65. Request to move to any order of business. (1) Except as provided in subsection (2), the Speaker pro tempore, the majority leader, or the minority leader may request that the House move to any order of business at any time.

(2) If the House has resolved itself into the Committee of the Whole under Order of Business No. 7, a representative may not request that the House move to any order of business.

H50-70. Motions. (1) Any representative may propose a motion allowed by the rules for the order of business under which the motion is offered for the consideration of the House. Unless otherwise specified in rule or law, a majority of representatives voting is necessary and sufficient to decide a motion.

(2) Seconds to motions on the House floor are not required.

(3) Absentee votes are not allowed on votes that are specified as “representatives present and voting”.

(4) The majority leader shall make routine procedural motions required to conduct the business of the House.

H50-80. Limits on debate of debatable motions. (1) Except for the representative who places a debatable motion before the body, no representative may speak more than once on the question unless a unanimous House consents. The representative who places the motion may close.

(2) No representative may speak for more than 10 minutes on the same question, except that a representative may have 5 minutes to close.

H50-90. Nondebatable motions. (1) A representative has the right to understand any question before the House and, usually under the administration of the presiding officer, may ask questions to exercise this right.

(2) The following motions are nondebatable:

(a) to adjourn pursuant to H50-250;

(b) for a call of the House;

(c) to recess or rise;

(d) for parliamentary inquiry;

(e) to table or take from the table;

(f) to call for the previous question or cloture;

(g) to amend a nondebatable motion;

(h) to divide a question;

(i) to suspend the rules;

(j) all incidental motions, such as motions relating to voting or of a general procedural nature;

(k) to appeal a call to order;

(l) to question the lack of a quorum pursuant to H50-20; and

(m) to change a vote pursuant to H50-210.

H50-100. Questions. A representative may, through the presiding officer, ask questions of another representative during a floor session. There is no limit on questions and answers, except as provided in H20-50.

H50-110. Amending motions – limitations. (1) A representative may move to amend the specific provisions of a motion without changing its substance.

(2) No more than one motion to amend a motion is in order at any one time.

(3) A motion for a call of the House, for the previous question, to table, or to take from the table may not be amended.

H50-120. Substitute motions. (1) When a question is before the House, no substitute motion may be made except the following, which have precedence in the order listed:

(a) to adjourn (nondebatable H50-90 and H50-250);

(b) for a call of the House (nondebatable H50-90);

(c) to recess or rise (nondebatable H50-90);

(d) for a question of privilege;

(e) to table (nondebatable H50-90);

(f) to call for the previous question or cloture;

- (g) to postpone consideration to a day certain;
- (h) to refer to a committee; and
- (i) to propose amendments.

(2) Nothing in this section allows a motion that would not otherwise be allowed under a particular order of business.

(3) (a) Except as provided in subsection (3)(b), no more than one substitute motion is in order at any one time.

(b) A motion for cloture is in order on a substitute motion to amend.

H50-130. Withdrawing motions. A representative who proposes a motion may withdraw it before it is voted on or amended.

H50-140. Dividing a question. Except as provided in H40-180(3), a representative may request to divide a question as a matter of right if it includes two or more propositions so distinct that they can be separated and if at least one substantive question remains after one substantive question is removed. The request is nondebatable under H50-90. The presiding officer may rule that a question is nondivisible. The ruling of the chair may be appealed as provided in H50-160(11) or (13) and H70-50. For an appeal of a ruling of the presiding officer, the question for the house must be stated as, "Shall the ruling of the chair be upheld?"

H50-150. Previous question – close. (1) If a majority of representatives present and voting adopts a motion for the previous question, debate is closed on the question and it must be brought to a vote. The Speaker may not entertain a motion to end debate unless at least one proponent and one opponent have spoken on the question.

(2) Notwithstanding the passage of a motion to end debate, the sponsor of the motion on which debate was ended may close.

H50-160. Questions requiring other than a majority vote. The following questions require the vote specified for each condition:

100 House Members

(1) a motion to approve a bill to appropriate the principal of the tobacco settlement trust fund pursuant to Article XII, section 4, of the Montana Constitution (two-thirds);

(2) a motion to approve a bill to appropriate the principal of the coal severance tax trust fund pursuant to Article IX, section 5, of the Montana Constitution (three-fourths);

(3) a motion to approve a bill to appropriate highway revenue, as described in Article VIII, section 6, of the Montana Constitution, for purposes other than therein described (three-fifths);

(4) a motion to approve a bill to authorize creation of state debt pursuant to Article VIII, section 8, of the Montana Constitution (two-thirds);

(5) a motion to appropriate the principal of the noxious weed management trust fund pursuant to Article IX, section 6, of the Montana Constitution (three-fourths);

(6) a motion to temporarily suspend a joint rule governing the procedure for handling bills pursuant to Joint Rule 60-10(2) (two-thirds).

Members Present and Voting

(1) a motion to override the Governor's veto pursuant to H40-260 and Article VI, section 10(3), of the Montana Constitution (two-thirds);

(2) a motion to lift a call of the House pursuant to H50-30(3) (two-thirds);

(3) a motion to withdraw a bill from a committee after a committee hearing on the bill pursuant to H40-90 approved by not less than three-fifths of the members;

(4) a motion to remove legislation from its normal progress through the House as provided under H40-80(3) and reassign it unless otherwise specifically provided by these rules (three-fifths);

(5) a motion to change a vote pursuant to H50-210 (unanimous);

(6) a motion to call for cloture pursuant to H40-170(2) (two-thirds);

(7) a motion to approve a bill conferring immunity from suit as described in Article II, section 18, of the Montana Constitution (two-thirds);

(8) a motion to amend rules pursuant to H70-10(2) or suspend rules pursuant to H70-30 (two-thirds);

(9) a motion to record a vote pursuant to H50-200(2) (one representative);

(10) a motion to record a vote in the journal (two representatives);

(11) an appeal of the ruling of the presiding officer pursuant to H20-20(1) or H20-80(2) (three representatives);

(12) a motion to speak more than once on a debatable motion pursuant to H50-80(1) (unanimous vote);

(13) a motion by the House to change the membership of a committee pursuant to H30-05(3) and H30-10(9) approved by three-fifths of the members;

(14) a motion to appeal the presiding officer's interpretation of the rules to the House Rules Committee pursuant to H70-50 (15 representatives).

Entire Legislature

(1) a motion to approve a bill proposing to amend the Montana Constitution pursuant to Article XIV, section 8, of the Montana Constitution (two-thirds of the entire Legislature).

H50-170. Reconsideration – time restriction. (1) Any representative may, within 1 legislative day of a vote, move to reconsider the House vote on any matter still within the control of the House.

(2) A motion to reconsider is a debatable motion, but the debate is limited to the motion. The debate on a motion to reconsider is limited to two proponents and two opponents to the motion and the debate may not address the substance of the matter for which reconsideration is sought. However, an inquiry may be made concerning the purpose of the motion to reconsider.

(3) A motion for reconsideration, unless tabled or replaced by a substitute motion, must be disposed of when made.

(4) When a motion for reconsideration fails, the question is finally settled. A motion for reconsideration may not be renewed or reconsidered.

(5) A motion to recall legislation from the Senate constitutes a motion to reconsider and is subject to the same rules.

(6) A motion for reconsideration is not in order on a vote to postpone to a day certain or to table legislation.

(7) There may be only one reconsideration vote on a specific issue on a legislative day.

H50-180. Renewing procedural motions. The House may renew a procedural motion if further House business has intervened.

H50-190. Tabling. (1) Under Order of Business No. 9, a representative may move to table any question, motion, or legislation before the House except the question of a quorum or a call of the House. The motion is nondebatable and may not be amended.

(2) When a matter has been tabled, a representative may move to take it from the table under Order of Business No. 9 on any legislative day.

H50-200. Voting – conflict of interest – present by electronic means.

(1) The representatives shall vote to decide any motion or question properly before the House. Each representative has one vote.

(2) The House may, without objection, use a voice vote on procedural motions that are not required to be recorded in the journal. If a representative rises and objects, the House shall record the vote.

(3) The House shall record the vote on all substantive questions. If the voting system is inoperable, the Chief Clerk shall record the representatives' votes by other means.

(4) A member who is present shall vote unless the member has disclosed a conflict of interest to the House.

(5) A member may be present for a vote by electronic means.

H50-210. Changing a vote – consent required. (1) A representative may move to change the representative's vote within 1 legislative day of the vote. The motion is nondebatable. The motion must be made on Order of Business No. 9, motions. All of the members present and voting are required to consent to the change in order for it to be effective.

(2) The representative making the motion shall first specify the bill number, the question, and the original vote tally. A vote may not be changed if it would affect the outcome of legislation.

(3) A vote change must be entered into the journal as a notation that the member's vote was changed. The original printed vote will not be reprinted to reflect the change.

(4) An error caused by a malfunction of the voting system may be corrected without a vote.

H50-220. Absentee votes – restrictions. (1) An excused representative may file an absentee vote authorization form to vote during the excused absence on any vote for which absentee voting is allowed.

(2) An excused representative shall sign an absentee vote authorization form that specifies the motion and the desired vote.

(3) The absentee vote authorization form must be handed in at the rostrum by the party whip or designated representative before voting on the motion has commenced.

(4) The absentee vote authorization may be revoked before the vote by the member who signed the authorization.

(5) Absentee voting is not allowed on third reading or on motions specified as present and voting pursuant to H50-70.

H50-230. Recess. The House may stand at ease or recess under any order of business by order of the Speaker or a majority vote. The recess may be ended at the call of the chair or at a time specified.

H50-240. Adjournment for a legislative day. (1) A representative may move that the House adjourn for that legislative day. The motion is nondebatable and may be made under any order of business except Order of Business No. 7.

(2) A motion to adjourn for a legislative day must specify a date and time for the House to convene on the subsequent legislative day.

H50-250. Adjournment sine die. Subject to Article V, section 10(5), of the Montana Constitution, a representative may move that the House adjourn for the session. The motion is nondebatable and may be made under any order of business except Order of Business No. 7.

CHAPTER 6

Motions

H60-10. Proposal for consideration. (1) Every question presented to the House or a committee must be submitted as a definite proposition.

(2) A representative has the right to understand any question before the House and, under the authority of the presiding officer, may ask questions to exercise this right.

(3) Except as provided in H50-160 or as specifically provided for in these House Rules, a majority vote of representatives voting is necessary for a motion or question to pass.

H60-20. Nondebatable motions. The following motions, in addition to any other motion specifically designated, must be decided without debate:

- (1) to adjourn;
- (2) for a call of the House;
- (3) to recess or rise;
- (4) for parliamentary inquiry;
- (5) to table or to take from the table;
- (6) to call for the previous question or for cloture;
- (7) to amend a nondebatable motion;
- (8) to divide a question;
- (9) to suspend the rules; and
- (10) all incidental motions, such as motions relating to voting or of a general procedural nature.

H60-30. Motions allowed during debate. (1) When a question is under debate, only the following motions are in order. The motions have precedence in the following order:

- (a) to adjourn;
 - (b) for a call of the House;
 - (c) to recess or rise;
 - (d) for a question of privilege;
 - (e) to table or take from the table;
 - (f) to call for the previous question or cloture;
 - (g) to postpone consideration to a day certain;
 - (h) to refer or rerefer; and
 - (i) to propose amendments.
- (2) This section does not allow a motion that would not otherwise be allowed under a particular order of business.

(3) Only one substitute motion is in order at any time.

H60-40. Motions to adjourn or recess. (1) A motion to adjourn or recess is always in order, except:

- (a) when the House is voting on another motion;
- (b) when the previous question has been ordered and before the final vote;
- (c) when a member entitled to the floor has not yielded for that purpose; or
- (d) when business has not been transacted after the defeat of a motion to adjourn or recess.

(2) A motion to adjourn sine die pursuant to H50-250 is subject to Article V, section 10(5), of the Montana Constitution.

(3) The vote by which a motion to adjourn or recess is carried or fails is not subject to a motion to reconsider.

H60-50. Motion to table. (1) A motion to table, if carried, has the effect of postponing action on the proposition to which it was applied until superseded by a motion to take from the table.

(2) After a vote on a motion to table is carried or fails, the motion cannot be reconsidered.

(3) A motion to table is not in order after the previous question has been ordered.

H60-60. Motion to postpone. A motion to postpone to a day certain may be amended and is debatable within narrow limits. The merits of the proposition that is the subject of the motion to postpone may not be debated.

H60-70. Motion to refer. When a motion is made to refer a subject to a standing committee or select committee, the question on the referral to a standing committee must be put first.

H60-80. Terms of debate on motion to refer or rerefer. (1) A motion to refer or rerefer is debatable within narrow limits. The merits of the proposition that is the subject of the motion may not be debated.

(2) A motion to refer or rerefer with instructions is fully debatable.

H60-100. Moving the previous question after a motion to table. (1) If a motion to table is made directly to a main motion, a motion for the previous question is not in order.

(2) If an amendment to a main motion is pending and a motion to table is made, the previous question may be called on the main motion, the pending amendment, and the motion to table the amendment.

H60-105. Motion to direct standing, select, special, or conference committee action. A representative may move that the House direct a standing, select, special, or conference committee take an action of:

(1) scheduling a bill in the committee's possession for a hearing and public testimony on a date certain; or

(2) acting on a bill, Governor's amendments, or Senate amendments in the committee's possession by a date certain.

H60-110. Standard motions. The following are standard motions:

(1) moving House bills or resolutions on second reading, "Mister/Madam Chairman, I move that when this committee does rise and report after having under consideration House Bill ___, that it recommend the same (do pass)/(do pass as amended)/(do not pass)."

(2) moving Senate bills and Senate amendments to House bills, "Mister/Madam Chairman, I move that when this committee does rise and report after having under consideration Senate Bill ___/Senate amendments to House Bill ___, that it recommend the same (be concurred in)/(be not concurred in)."

(3) Committee of the Whole floor amendments, "Mister/Madam Chairman, I move that House Bill ___/Senate Bill ___ be amended and request that the amendment be posted and deemed read."

(4) introducing visitors, "Mister/Madam Speaker/Chairman, I request that we be off the record and out of the journal."

(5) changing a vote, "Mister Speaker, I would like my vote changed on House Bill ___/Senate Bill ___ from (yes/no) to (yes/no). The question on the bill was () with a vote tally of ___ for and ___ against."

(6) question another representative, "Mister/Madam Speaker/Chairman, would Representative ___ yield to a question?"

CHAPTER 7

Rules

H70-10. House rules – amendment – report timing. (1) The House may adopt, through a House resolution passed by a majority of its members, rules to govern its proceedings.

(2) After adoption of the House rules, two-thirds of the representatives voting must vote in favor of the question to amend the rules.

(3) The Speaker shall refer to the House Rules Committee all resolutions for House rules and joint rules.

(4) The House Rules Committee shall report all resolutions for House rules and joint rules within 1 legislative day of referral.

H70-20. Tenure of rules. Rules adopted by the House remain in effect until removed by House resolution or until a new House is elected and takes office.

H70-30. Suspension of rules. The House may suspend a House rule on a motion approved by not less than two-thirds of the members voting.

H70-40. Supplementary rules. Mason's Manual of Legislative Procedure (2010) governs House proceedings in all cases not covered by House rules.

H70-50. Interpreting rules – appeal. The Speaker shall interpret all questions on House rules, subject to appeal by any 15 representatives to the House Rules Committee. Unless the delay would cause legislation to fail to meet a scheduled deadline, the House Rules Committee may consider and report on the appeal on the next legislative day. The decision of the House Rules Committee may be appealed to the House by any representative.

H70-60. Joint rules superseded. A House rule, insofar as it relates to the internal proceedings of the House, supersedes a joint rule.

Appendix

(1) Except as provided in subsections (2) through (4), legislation dealing with an enumerated subject must be referred to a standing committee as follows:

Agriculture: Agriculture; country of origin labeling for products; crops; crop insurance; farm subsidies; fuel produced from grain; grazing (other than state land leases); irrigation; livestock; poultry; and weed control.

Appropriations: Appropriations for the Legislature, general government, and bonding, including supplemental appropriations and the coal severance tax.

Business and Labor: Alcohol regulation other than taxation; associations; corporations; credit transactions; employment; financial institutions; gambling; insurance; labor unions; partnerships; private sector pensions and pension plans; professions and occupations other than the practice of law; salaries and wages; sales; secured transactions; securities regulation other than criminal provisions; sports other than hunting, fishing, and competition water sports; trade regulation; unemployment insurance; the Uniform Commercial Code; and workers' compensation.

Education: Higher education; home schools; K-12 education; religion in schools; school buildings and other structures; school libraries and university system libraries; school safety; school sports; school staff other than teachers; school transportation; students; teachers; and vocational education and training.

Ethics: Ethical standards applicable to members, officers, and employees of the House and ethical standards for lobbyists.

Energy, Technology, and Federal Relations: Energy generation and transmission; Indian reservations; international relations; interstate cooperation and compacts, except those relating to law enforcement and water compacts; relations with the federal government; relations with sovereign Indian tribes; telecommunications; technology; and utilities other than municipal utilities.

Fish, Wildlife, and Parks: Fish; fishing; hunting; outdoor recreation; parks other than those owned by local governments; relations with federal and state governments concerning fish and wildlife; Virginia City and Nevada City; water sports; and wildlife.

Human Services: Developmentally disabled persons; disabled persons; health; health and disability insurance; housing; human services; mental illness or incapacity; retirement other than pensions and pension plans; senior citizens; tobacco regulation other than taxation; and welfare.

Judiciary: Abortion; arbitration and mediation; civil procedure; constitutional amendments; consumer protection; contracts; corrections; courts; criminal law; criminal procedure; discrimination; evidence; family law; fees imposed by or relating to the court system; guaranty; human rights; impeachment; indemnity; judicial system; landlord and tenant; law enforcement; liability and immunity from liability; minors; practice of law; privacy; property law; religion other than in schools; state law library; surety; torts; and trusts and estates.

Legislative Administration: Interim committees and matters related to legislative administration, staffing patterns, budgets, equipment, operations, and expenditures.

Local Government: Cities; consolidated governments; counties; libraries and parks owned or operated by local governments; local development; local government finance and revenue; local government officers and employees, local planning; special districts and other political subdivisions, except school districts; towns; and zoning.

Natural Resources: Board of Land Commissioners; dams, except for electrical generation; emission standards; environmental protection; extractive activities; fires and fire protection, except for a local government fire department; forests and forestry; hazardous waste; mines and mining; natural gas; natural resources; oil; pollution; solid waste; state land, except state parks; water and water rights; water bodies and water courses; and water compacts.

Rules: House rules; joint rules; legislative procedure; jurisdictions of committees; and rules of decorum.

State Administration: Administrative rules; arts and antiquities; ballots; elections; initiative and referendum procedures; military affairs; public contracts and procurement; public employee retirement systems; state buildings; state employees; state employee benefits; state equipment and property, except state lands and state parks; state government generally; state-owned libraries other than the state law library; veterans; and voting.

Taxation: Taxes other than fuel taxes.

Transportation: Fuel taxes; highways; railroads; roads; traffic regulation; transportation generally; vehicles; and vehicle safety.

(2) If a select committee is created to address a specific subject, then bills relating to that subject must be assigned to the select committee.

(3) (a) If legislation deals with more than one subject and the subjects are assigned to more than one committee, the bill must be assigned to a class one committee before a class two committee and to a class two committee before a class three committee. If there is a conflict of subjects between the same class of committees, then the bill must be assigned by the Speaker.

(b) If a bill contains substantive provisions dealing with policy and an appropriation, the bill must be referred to the committee with jurisdiction over the subject addressed in the policy provisions. If the bill is reported from the committee to which it was assigned, the Speaker may rerefer the bill to the Appropriations Committee. The referral must be announced to the House. The rereferral does not require action or approval by the House, but may be overturned by a majority vote.

(4) If a committee chair upon consultation with the vice chair determines that the committee cannot effectively process all bills assigned to the committee because of time limitations, the chair shall, in writing, request the Speaker to reassign specific bills. The Speaker shall reassign the bills to an appropriate committee. The reassignments must be announced to the House. The reassignments do not require action or approval by the House, but may be overturned by a majority vote.

Adopted January 27, 2021

HOUSE RESOLUTION NO. 5

A RESOLUTION OF THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA FORMALIZING THE LONG-HELD, TRADITIONAL, AND INVIOABLE DECORUM OF THE MONTANA LEGISLATURE THAT MEMBERS OF THE HOUSE OF REPRESENTATIVES DRESS IN PROFESSIONAL BUSINESS ATTIRE AND COMPORT THEMSELVES IN A MANNER THAT RESPECTS AND UPHOLDS THE INTEGRITY OF THE LEGISLATIVE INSTITUTION AND IS BEFITTING OF THE HONOR AND THE PRIVILEGE OF THE POSITION THAT MEMBERS OF THE HOUSE OF REPRESENTATIVES HOLD IN OFFICE ON BEHALF OF THE CITIZENS OF MONTANA.

WHEREAS, since the Montana Legislature's historical inception, it has been the long-held, traditional, and inviolable decorum of the Legislature that members dress in professional business attire in the House and Senate chambers and when conducting legislative business in the hallowed halls of the State Capitol Building; and

WHEREAS, members of the Legislature have always been expected to dress in a manner that reflects the seriousness and the highest standards of decorum of the Legislature and legislative proceedings and demonstrates an awareness of the Legislature as a respected and honored institution of the American system of democracy.

NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA:

That members of the House of Representatives dress in professional business attire in the House chambers and the State Capitol Building when conducting legislative business, and comport themselves in a manner that reflects and upholds the integrity of the legislative institution and is befitting of the honor and the privilege of the position that members hold in office on behalf of the citizens of Montana.

BE IT FURTHER RESOLVED, that:

(1) (a) "Professional business attire" means:

(i) for men, dressed in a suit, or dress slacks, jacket, and tie, and appropriate dress shoes or dress boots (sandals, flip flops, and tennis shoes are not considered appropriate); and

(ii) for women, dressed in a suit, or dress slacks, skirt, jacket, and dress blouse or suit-like dress, and appropriate dress shoes or dress boots (sandals, flip flops, and tennis shoes are not considered appropriate).

(b) The term does not include jeans or denim material clothing, including colored denim material, fleece material, or jersey or sweatshirt material.

BE IT FURTHER RESOLVED, that:

(1) House leadership is ultimately responsible for ensuring members are dressed in professional business attire; and

(2) the House Sergeant-at-Arms shall enforce the dress decorum policy set forth in this resolution and will notify members of any breach in dress decorum and is authorized to bar members who have breached dress decorum from physically or electronically entering the House chambers or House committee rooms until the member complies.

BE IT FURTHER RESOLVED, that legislative staff, members of the media, interns, aides, and pages shall abide by the dress decorum policy set forth in this resolution.

BE IT FURTHER RESOLVED, that there are no casual Fridays or Saturdays.

Adopted April 1, 2021

HOUSE RESOLUTION NO. 7

A RESOLUTION OF THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA DIRECTING IMMEDIATE LEGAL INTERVENTION ON BEHALF OF THE MONTANA LEGISLATURE AND THE HOUSE OF REPRESENTATIVES AS AN INDISPENSABLE PARTY IN ORDER TO PROTECT THE INTEGRITY OF THE HOUSE OF REPRESENTATIVES AND ITS ABILITY TO FULFILL ITS CONSTITUTIONAL ROLE AND APPLY ASSOCIATED STATUTES AND RELEVANT RULES OF THE HOUSE OF REPRESENTATIVES.

WHEREAS, Article VII, section 8, of the Montana Constitution authorizes the Governor to appoint a replacement supreme court justice or district court judge from “nominees selected in a manner provided by law”; and

WHEREAS, during the 67th Legislative Session, the House of Representatives of the State of Montana passed Senate Bill 140 to eliminate the Judicial Nomination Commission and allow the Governor to directly appoint nominees to fill judicial vacancies subject to confirmation by a majority of the Senate as set forth in Article VI, section 8, of the Montana Constitution; and

WHEREAS, following passage by both chambers of the Montana Legislature, Senate Bill 140 was signed by the President of the Senate on March 9, 2021, and signed by the Speaker of the House on March 10, 2021; and

WHEREAS, on March 10, 2021, Senate Bill 140 was transmitted to Governor Greg Gianforte; and

WHEREAS, on March 17, 2021, Governor Greg Gianforte signed Senate Bill 140 into law; and

WHEREAS, also on March 17, 2021, a Petition for Original Jurisdiction (case number OP 21-0125) was filed in the Montana Supreme Court on behalf of Dorothy Bradley, Bob Brown, Mae Nan Ellingson, Vernon Finley, and Montana League of Women Voters challenging the constitutionality of Senate Bill 140; and

WHEREAS, the petitioners named Governor Greg Gianforte as the sole respondent but failed in their petition to the Court to name the House of Representatives as an indispensable party that acted in its constitutional and statutory capacity in exercising its legislative authority to change the manner by which judicial nominees are selected; and

WHEREAS, the Petition for Original Jurisdiction and the relief sought would thwart the Montana Legislature's and the House of Representative's constitutional authority to exercise legislative power guaranteed by the Montana Constitution.

NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA:

That the Legislative Services Division Legal Services Office shall contract for legal services to handle all legal proceedings in the matters subject to this resolution.

Adopted April 13, 2021

Senate Joint Resolutions**SENATE JOINT RESOLUTION NO. 1**

A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA ADOPTING THE JOINT LEGISLATIVE RULES.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA:

That the following Joint Rules be adopted:

JOINT RULES OF THE MONTANA**SENATE AND HOUSE OF REPRESENTATIVES****CHAPTER 1****COVID-19 Response**

1-05. Definitions. As used in these joint rules, the following definitions apply:

(1) “Member” means a member of the Senate or the House of Representatives for the 67th Legislature.

(2) “Participating remotely”, “remotely present”, or “participate remotely” means participating by telephone, teleconference, videoconference, or other means.

(3) “Present” means a member was either physically present and participating in the session or remotely present and participating in the session.

(4) “Session” means the 67th legislative session.

1-10. Legislative Leadership COVID-19 Response Panel. (1) There is a Legislative Leadership COVID-19 Response Panel comprised of:

- (a) the Senate President;
- (b) the Senate President Pro Tempore;
- (c) the Senate Majority Leader;
- (d) the Senate Minority Leader;
- (e) the Speaker of the House;
- (f) the Speaker of the House Pro Tempore;
- (g) the House Majority Leader; and
- (h) the House Minority Leader.

(2) (a) The panel shall elect its presiding officer and vice presiding officer from among its members. A member of the panel votes individually and not by the house to which the panel member belongs.

(b) All meetings of the panel are open to the public to the same extent as other legislative committee meetings, subject to the provisions of Joint Rule 1-20. The panel shall provide for and give public notice, reasonably calculated to give actual notice to interested persons, of the time, place, and subject matter of regular and special meetings. However, a meeting may be held upon notice appropriate to the circumstances.

(c) The panel may meet and conduct business from the start of the legislative session until a new Legislature is elected and takes office.

(3) The purpose of the panel is to comply with constitutional requirements during a period of emergency regarding legislative business and public access while promoting and protecting the health and safety of legislative members, legislative staff, and other individuals involved in the legislative process. The panel is established to provide operating flexibility for the Legislature and

quick responsiveness during the current COVID-19 public health emergency. In any significant panel action that impacts legislative business and public access, the panel will consider the Legislature's broad authority under the constitutional continuity of government provisions provided in Article III, section 2, of the Montana Constitution, the Legislature's inherent police powers during an emergency, the constitutional legislative rule provisions, and the Legislature's specific statutory authority. Subject to subsection (4), the panel may exercise authority over all aspects of legislative business that are impacted by the COVID-19 health emergency, including but not limited to public access as provided in Joint Rule 1-20 and a member's physical presence as provided in Joint Rule 1-30.

(4) The panel may not exercise authority over a legislator's independent decision to receive COVID-19 testing or a COVID-19 vaccine.

(5) In order to adequately respond to an emergency, the decisions of the panel are effective immediately without adoption by the House of Representatives or the Senate.

1-20. In-person public access -- right to participate and observe -- COVID-19 Response Panel. (1) In order to promote and protect the health and safety of individuals involved in the legislative process and to minimize public health dangers resulting from the current COVID-19 public health emergency, the Legislative Leadership COVID-19 Response Panel shall determine the level of in-person public involvement in all matters of legislative business, including but not limited to public meetings, House and Senate floor and gallery access, and access to legislative offices. The panel may adjust the level of in-person public involvement at any time based on a sliding scale approach that considers all of the relevant facts and circumstances, including the impact to the public, the legislative process, and the overall risk of becoming infected with COVID-19 in the Capitol.

(2) Subject to subsection (4), the approach may provide restricted in-person public involvement in the legislative process or closure of any areas of the Capitol to the public that are under control of the Legislature. Restrictions may include testing for COVID-19 symptoms, requiring electronic exhibits from members of the public, room capacity limitations, daily in-person attendance limits, advance in-person registration, room closures, directional traffic, and any other relevant social distancing measure that may limit the spread of COVID-19.

(3) (a) The approach may provide for the ability of a committee to receive oral testimony from members of the public through electronic means based on availability of technology and personnel limitations. Electronic means may include telephone, teleconference, videoconference, or other reliable electronic means. The panel may require advance registration or impose other limitations, including time limitations. All members of the public, whether testifying in person or remotely, must be provided with equal time for proponents and opponents to testify. Advance registration requirements include but are not limited to:

(i) registering electronically as a proponent, opponent, or informational witness; and

(ii) providing the city and state of the remote testimony and any relevant contact or technical information for conducting remote meetings.

(b) A committee chair retains the right to limit testimony through electronic means, including deadlines for testimony requests and time allowed for public comment. Witnesses may be called to testify at any point during a bill hearing as determined by the chair, regardless of whether the witness is a proponent or an opponent.

(4) The approach must provide for the public's right to participate and right to know as required by Article II, sections 8 and 9, and Article V, section 10(3), of the Montana Constitution. The public has an absolute right to participate in the legislative committee process by submitting written testimony as a proponent or an opponent on any legislation through the Legislature's website or through electronic mail. Written testimony submitted through the website will be included in the record for the committee considering the bill. The option to submit written testimony will be available beginning when a bill is scheduled for a hearing in a committee of reference and will last until the committee hearing on the bill ends. A live broadcast must be streamed online for any legislative committee meeting.

1-30. Legislator participation during session -- exclusion of members from physical participation by COVID-19 Response Panel. In order to promote and protect the health and safety of individuals and legislative members involved in the legislative process and to minimize public health dangers resulting from the current COVID-19 public health emergency, the Legislative Leadership COVID-19 Response Panel shall determine when to limit or exclude other members from physical participation in the legislative session, and the level of physical participation of members in all committee meetings and floor sessions. The approach must be balanced by treating all members who have the same factual circumstances and potential exposure to COVID-19 in the same manner. The approach may provide for an excluded member to participate remotely as provided in Joint Rule 1-40.

1-40. Members physically present or remotely present by electronic means. (1) The Senate and the House may assemble, convene, and conduct the session with members being either physically present or participating remotely. A member is not permitted to participate remotely unless excluded from physical participation based on a decision of the Legislative Leadership COVID-19 Response Panel pursuant to Joint Rule 1-30 or through a decision of the member's caucus leader pursuant to Joint Rule 1-50.

(2) Subject to subsection (3), members who are permitted to participate remotely in the session:

(a) may vote on any question or other matter before the Senate or the House, including committees of the Senate or the House;

(b) have the same privileges, rights, and duties as if the member were physically present, including the right, privilege, and responsibility to cast votes on all questions or other matters brought to a vote;

(c) are considered to have immunity that prevents the member from being questioned in any other place for any speech or debate in the Legislature that happens by participating remotely, as guaranteed by Article V, section 8, of the Montana Constitution;

(d) are entitled to receive compensation for remotely participating in the same manner as a legislator member physically participating during the session; and

(e) are considered present and in attendance at the session for all purposes, including for purposes of:

(i) determining a quorum pursuant to Article V, section 10, of the Montana Constitution; and

(ii) being present for the passage of a bill pursuant to Article V, section 11, of the Montana Constitution.

(3) Members who vote remotely are required to use electronic authentication as determined by the Legislative Leadership COVID-19 Response Panel to prevent access to voting by anyone other than the member.

(4) The Legislative Services Division shall assist members who are participating remotely with any logistical or technical issues during the session.

1-50. Participation during session – permission granted by caucus leader for participating remotely. (1) A member's caucus leader may allow the member to participate remotely as provided in Joint Rule 1-40 and to vote by proxy, except as provided in subsection (2).

(2) Voting by proxy in third reading may be authorized by a member's caucus leader only when a member is hospitalized. Proxy voting on third reading is discouraged unless a member is physically present and participating in the session or remotely present and participating in the session, because Article V, section 11, of the Montana Constitution requires a member to be "present and voting".

(3) For the purpose of this rule, the caucus leader:

(a) for the majority party in the House is the Speaker of the House, the Speaker Pro Tempore of the House, the House Majority Leader, or a Representative designated by a leader in this subsection (3)(a);

(b) for the minority party in the House is the House Minority Leader or a Representative designated by the House Minority Leader;

(c) for the majority party in the Senate is the Senate President, the Senate President Pro Tempore, the Senate Majority Leader, or a Senator designated by a leader in this subsection (3)(c); and

(d) for the minority party in the Senate is the Senate Minority Leader or a Senator designated by the Senate Minority Leader.

CHAPTER 10

Administration

10-10. Time of meeting. Each house may order its time of meeting.

10-20. Legislative day – duration. (1) If either house is in session on a given day, that day constitutes a legislative day.

(2) A legislative day for a house ends either 24 hours after that house convenes for the day or at the time the house convenes for the following legislative day, whichever is earlier.

10-30. Schedules. The presiding officer of each house shall coordinate its schedule to accommodate the workload of the other house.

10-40. Adjournment – recess – meeting place. A house may not, without the consent of the other, adjourn or recess for more than 3 days or to any place other than that in which the two houses are sitting (Montana Constitution, Art. V, Sec. 10(5)). The procedure for obtaining consent is contained in Joint Rule 20-10.

10-50. Access of media – registration – decorum – sanctions.

(1) Subject to the presiding officer's discretion on issues of decorum and order, a registered media representative may not be prohibited from photographing, televising, or recording a legislative meeting or hearing.

(2) The presiding officer shall authorize the issuance of cards to media representatives to allow floor access, and media representatives holding the cards are subject to placement on the floor by the presiding officer. The presiding officer may delegate enforcement of this rule to the office of the Secretary of the Senate, Chief Clerk of the House, the respective Sergeant-at-Arms, or the Legislative Information Officer. The privilege may be revoked or suspended for a violation of decorum and order as agreed to by the media representative upon application for registration.

(3) Registered media representatives may be subject to seating in designated areas. Overflow access will be in the gallery.

10-60. Conflict of interest. A member who has a personal or private interest in any measure or bill proposed or pending before the Legislature shall disclose the fact to the house to which the member belongs.

10-70. Telephone calls and internet access. (1) Long-distance telephone calls made by a member on a state telephone while the Legislature is in session or while the member is in travel status are considered official legislative business. These include but are not limited to calls made to constituencies, places of business, and family members. A member's access to the internet through a permissible server is a proper use of the state communication system if the use is for legislative business or is within the scope of permissible use of long-distance telephone calls.

(2) Session staff, including aides, may use state telephones for long-distance calls only if specifically authorized to do so by their legislative sponsor or supervisor. Sponsoring members and supervisors are accountable for use of state telephones and internet access by their staff, including aides, and may not authorize others to use state phones or state servers to access the internet.

(3) Permanent staff of the Legislature shall comply with executive branch rules applying to the use of state telephones.

(4) For purposes of this section, "state telephone" or "state phone" means a landline telephone or other telephone provided by the state.

10-80. Joint employees. The presiding officers of each house, acting together, shall:

(1) hire joint employees; and

(2) review a dispute or complaint involving the competency or decorum of a joint employee, and dismiss, suspend, or retain the employee.

10-85. Discrimination, harassment, and retaliation prohibited – adoption of policy. (1) Legislators, legislative employees, and all participants in the legislative process have the right to work free of discrimination, harassment, and retaliation when performing services in furtherance of legislative responsibilities, whether the offender is an employer, employee, or legislator.

(2) The policy of the Montana Legislature prohibiting discrimination, harassment, and retaliation, as recommended by the Legislative Council and approved by the Legislature by virtue of adoption of these joint rules, must be shared with members and staff during orientation and training and published separately as an appendix to the Joint Rules.

10-100. Legislative Services Division. (1) The staff of the Legislative Services Division shall serve both houses as required.

(2) Staff members shall:

(a) maintain personnel files for legislative employees; and

(b) prepare payrolls for certification and authorization by the presiding officer and prepare a monthly financial report.

(3) The Legislative Services Division shall train journal clerks for both houses.

10-120. Engrossing and enrolling staff – duties. (1) The Legislative Services Division shall provide all engrossing and enrolling staff.

(2) The duties of the engrossing and enrolling staff are:

(a) to engross or enroll any bill or resolution delivered to them within 48 hours after it has been received, unless further time is granted in writing by the presiding officer of the house in which the bill originated; and

(b) to correct clerical errors, absent the objection of the sponsor of a bill, resolution, or amendment and the Secretary of the Senate or the Chief Clerk of the House of Representatives in any bill or amendment originating in the

house by which the Clerk or Secretary is employed. The following kinds of clerical errors may be corrected:

- (i) errors in spelling;
- (ii) errors in numbering sections;
- (iii) additions or deletions of underlining or lines through matter to be stricken;
- (iv) material copied incorrectly from the Montana Code Annotated;
- (v) errors in outlining or in internal references;
- (vi) an error in a title caused by an amendment;
- (vii) an error in a catchline caused by an amendment;
- (viii) errors in references to the Montana Code Annotated; and
- (ix) other nonconformities of an amendment with Bill Drafting Manual form.

(3) The engrossing and enrolling staff shall give notice in writing of the clerical correction to the Secretary of the Senate or the Chief Clerk of the House, who shall give notice to the sponsor of the bill or amendment. The form must be filed in the office of the amendments coordinator. A party receiving notice may register an objection to the correction by filing the objection in writing with the Secretary of the Senate or the Chief Clerk of the House by the end of the next legislative day following receipt of the notice. The Senate or House shall vote on whether or not to uphold the objection. If the objection is upheld, the Secretary of the Senate or the Chief Clerk of the House shall notify the Executive Director of the Legislative Services Division, and the engrossing staff shall change the bill to remove the correction or corrections to which the objection was made.

(4) For the purposes of this rule, “engrossing” means placing amendments in a bill.

10-130. Bills -- sponsorship -- style -- format. (1) A bill must be sponsored by a member of the Legislature.

(2) A bill must be formatted electronically with numbered lines and:

- (a) printed on paper with numbered lines;
- (b) numbered at the foot of each page (except page 1);
- (c) backed with a page of substantial material that includes spaces for notations for tracking the progress of the bill; and
- (d) introduced. Introduction constitutes the first reading of the bill.

(3) In a section amending an existing statute, matter to be stricken out must be indicated with a line through the words or part to be deleted, and new matter must be underlined.

(4) (a) Except as provided in subsection (4)(b), sections of the Montana Code Annotated repealed or amended in a bill must be stated in the title.

(b) (i) Sections of the Montana Code Annotated repealed or amended in a legislative referendum must be stated in the title unless the inclusion of those sections in the title would cause the title to cumulatively exceed a 100-word limit.

(ii) If the inclusion of sections of the Montana Code Annotated repealed or amended in a legislative referendum title would cause the title to cumulatively exceed 100 words, the title must include those sections that do not exceed the 100-word limit and include a reference to the total number of additional sections listed in the body of the bill that are excluded from the title due to the 100-word limit. Those additional sections excluded from the title must be listed in a section within the body of the bill after the enacting clause.

(5) Introduced bills must be posted online and may be reproduced on white paper and distributed to members.

(6) A legal review note or analysis produced by the Legislative Services Division Legal Services Office may not be attached to an introduced bill or posted on the Legislative Branch website unless requested by the sponsor of the bill.

(7) Prior to submitting legislation for introduction, the chief sponsor may add representatives and senators as cosponsors. A legislator may be added as a cosponsor by an in-person request, an electronic message, a phone communication, or a cosponsor form. If a printed cosponsor form is used, a legislator must sign or initial a cosponsor form supplied upon request by the Secretary of the Senate or the Chief Clerk of the House in order to be added as a cosponsor. A legislator may also sign on the front page of the legislation.

(8) (a) Prior to submitting legislation to the Secretary of the Senate or the Chief Clerk of the House for introduction, the chief sponsor may add representatives and senators as cosponsors. A legislator shall sign the cosponsor form attached to the legislation in order to be added as a cosponsor.

(b) After legislation is submitted for introduction but before the legislation returns from the first House or Senate committee, the chief sponsor may add or remove cosponsors by filing a cosponsor form with the Secretary of the Senate or the Chief Clerk of the House.

10-140. Voting on bills – constitutional amendments. (1) A bill may not become a law except by vote of the constitutionally required majority of all the members present and voting in each house (Montana Constitution, Art. V, Sec. 11(1)). On final passage, the vote must be taken by ayes and noes and the names of those voting entered on the journal (Montana Constitution, Art. V, Sec. 11(2)).

(2) Any vote in one house on a bill proposing an amendment to The Constitution of the State of Montana under circumstances in which there exists the mathematical possibility of obtaining the necessary two-thirds vote of the Legislature will cause the bill to progress as though it had received the majority vote.

(3) This rule does not prevent a committee from tabling a bill proposing an amendment to The Constitution of the State of Montana.

10-150. Recording and publication of voting. (1) Every vote of each member on each substantive question in the Legislature, in any committee, or in Committee of the Whole must be recorded and made available to the public. On final passage of any bill or joint resolution, the vote must be taken by ayes and noes and the names entered on the journal.

(2) (a) Roll call votes must be taken by ayes and noes and the names entered on the journal on adopting an adverse committee report and on those motions made in Committee of the Whole to:

- (i) amend;
- (ii) recommend passage or nonpassage;
- (iii) recommend concurrence or nonconcurrence; or
- (iv) indefinitely postpone.

(b) The text of all proposed amendments in Committee of the Whole must be recorded.

(3) A roll call vote must be taken on nonsubstantive questions on the request of two members who may, on any vote, request that the ayes and noes be spread upon the journal.

(4) Roll call votes and other votes that are to be made public but are not specifically required to be spread upon the journal must be entered in the minutes of the appropriate committee or of the appropriate house (Montana Constitution, Art. V, Sec. 11(2)). A copy of the minutes must be filed with the

Montana Historical Society. If electronically recorded minutes are kept for a committee, a written log must also be kept that includes but is not limited to:

- (a) the date, time, and place of the meeting;
- (b) a list of the individual members of the public body, agency, or organization who were in attendance;
- (c) all matters proposed, discussed, or decided; and
- (d) at the request of any member, a record of votes by individual members for any votes taken.

10-160. Journal. Each house shall:

- (1) supply the Legislative Services Division with the contents of the daily journal to be stored on an automated system;
- (2) examine its journal and order correction of any errors; and
- (3) make a daily journal available to all members.

10-170. Journals – authentication – availability. (1) The journal of the Senate must be authenticated by the signature of the President and the journal of the House of Representatives must be authenticated by the signature of the Speaker.

(2) The Legislative Services Division shall make the completed journals available to the public.

CHAPTER 20

Relations With Other House

20-10. Consent for adjournment or recess. As required by Article V, section 10(5), of the Montana Constitution, the consent of the other house is required for adjournment or recess for more than 3 calendar days. Consent for adjournment is obtained by having the house wishing to adjourn send a message to the other house and having the receiving house vote favorably on the request. The receiving house shall inform the requesting house of its consent or lack of consent. Consent is not required on or after the 87th legislative day.

CHAPTER 30

Committees

30-10. Joint committee chair – exception. Except as provided in Joint Rule 30-50 concerning the joint meetings of the Senate Finance and Claims Committee and the House Appropriations Committee, the chair of the Senate committee is the chair of all joint committees.

30-20. Voting in joint committees – exception. (1) Except for Rules Committees and conference committees, a member of a joint committee votes individually and not by the house to which the committee member belongs.

(2) Because the Rules Committees and conference committees are joint meetings of separate committees, in those committees the committees from each house vote separately. A majority of each committee shall agree before any action may be taken, unless otherwise specified by individual house rules.

30-30. Conference committees – subject matter restrictions. (1) If either house requests a conference committee and appoints a committee for the purpose of discussing an amendment on which the two houses cannot agree, the other house shall appoint a committee for the same purpose. The time and place of all conference committee meetings must be agreed upon by their chairs and announced from the rostrum. This announcement is in order at any time. Failure to make this announcement does not affect the validity of the legislation being considered. A conference committee meeting must be conducted as an open meeting, and minutes of the meeting must be kept.

(2) A conference committee, having conferred, shall report to the respective houses the result of its conference. A conference committee shall confine itself to consideration of the disputed amendment. The committee may recommend:

- (a) acceptance or rejection of each disputed amendment in its entirety; or
- (b) further amendment of the disputed amendment.

(3) (a) If either house requests a free conference committee and the other house concurs, appointments must be made in the same manner as provided in subsection (1). A free conference committee may discuss and propose amendments to a bill in its entirety and is not confined to a particular amendment. However, a free conference committee is limited to consideration of amendments that are within the scope of the title of the introduced bill.

(b) A free conference committee may not take executive action on an amendment to a bill implementing provisions of a general appropriation act that does not directly and substantively address the subject of the bill.

30-40. Conference committee – enrolling. A conference committee report must give clerical instructions for a corrected reference bill and for enrolling by referring to the reference bill version.

30-50. Committee consideration of general appropriation bills.

(1) All general appropriation bills must first be considered by a joint subcommittee composed of designated members of the Senate Finance and Claims Committee and the House Appropriations Committee, and then by each committee separately.

(2) Joint meetings of the House Appropriations Committee and the Senate Finance and Claims Committee must be held upon call of the chair of the House Appropriations Committee, who is chair of the joint committee.

(3) The committee chair of the Senate Finance and Claims Committee or of the House Appropriations Committee may be a voting member in the joint subcommittees if:

- (a) either house has fewer members on the joint subcommittees;
- (b) the chair represents the house with fewer members on the subcommittees;

and

(c) the chair is present for the vote at the time that a question is called. A vote may not be held open to facilitate voting by a chair.

30-60. Estimation of revenue. (1) The Revenue Interim Committee shall introduce a House joint resolution for the purpose of estimating revenue that may be available for appropriation by the Legislature.

(2) (a) The committee must have prepared by December 1 for introduction during each regular session of the Legislature in which a revenue bill is under consideration an estimate of the amount of revenue projected to be available for legislative appropriation.

(b) The committee may prepare for introduction during a special session of the Legislature in which a revenue bill or an appropriation bill is under consideration an estimate of the amount of projected revenue. The revenue estimate is considered a subject specified in the call of a special session.

30-70. Appointment of interim committees. (1) During an interim when the Legislature is not in session, the committees listed in subsection (2) are the interim committees of the Legislature. They are empowered to sit as committees and may act in their respective areas of responsibility.

(2) (a) The following are interim committees of the Legislature:

- (i) Children, Families, Health, and Human Services Interim Committee;
- (ii) Economic Affairs Interim Committee;
- (iii) Education Interim Committee;
- (iv) Energy and Telecommunications Interim Committee;
- (v) Law and Justice Interim Committee;

- (vi) Local Government Interim Committee;
- (vii) Revenue Interim Committee;
- (viii) State Administration and Veterans' Affairs Interim Committee;
- (ix) State-Tribal Relations Interim Committee;
- (x) Transportation Interim Committee; and
- (xi) Water Policy Interim Committee.

(b) For the purposes of this rule, the Environmental Quality Council is also considered an interim committee.

(3) The Speaker of the House and the President of the Senate are ex officio voting members of each interim committee for the sole purpose of breaking a tie vote on a question before an interim committee involving an interim committee objection to an administrative rule pursuant to Title 2, chapter 4, MCA.

(4) Fifty percent of interim committees must be selected to the extent possible from the following legislative standing committees:

- (a) Children, Families, Health, and Human Services Interim Committee:
 - (i) Senate Public Health, Welfare, and Safety Committee;
 - (ii) Senate Finance and Claims Committee;
 - (iii) House Human Services Committee; and
 - (iv) House Appropriations Committee;
- (b) Economic Affairs Interim Committee:
 - (i) Senate Agriculture, Livestock, and Irrigation Committee;
 - (ii) Senate Business, Labor, and Economic Affairs Committee;
 - (iii) Senate Finance and Claims Committee;
 - (iv) Senate Energy Committee;
 - (v) House Agriculture Committee;
 - (vi) House Business and Labor Committee;
 - (vii) House Energy, Technology, and Federal Relations Committee; and
 - (viii) House Appropriations Committee;
- (c) Education Interim Committee:
 - (i) Senate Education and Cultural Resources Committee;
 - (ii) Senate Finance and Claims Committee;
 - (iii) House Education Committee; and
 - (iv) House Appropriations Committee;
- (d) Energy and Telecommunications Interim Committee:
 - (i) Senate Energy Committee;
 - (ii) House Energy, Technology, and Federal Relations Committee;
 - (iii) House Appropriations Committee; and
 - (iv) Senate Finance and Claims Committee;
- (e) Law and Justice Interim Committee:
 - (i) Senate Judiciary Committee;
 - (ii) Senate Finance and Claims Committee;
 - (iii) House Judiciary Committee; and
 - (iv) House Appropriations Committee;
- (f) Local Government Interim Committee:
 - (i) Senate Local Government Committee;
 - (ii) Senate Finance and Claims Committee;
 - (iii) House Local Government Committee; and
 - (iv) House Appropriations Committee;
- (g) Revenue Interim Committee:
 - (i) Senate Taxation Committee;
 - (ii) Senate Finance and Claims Committee;
 - (iii) House Taxation Committee; and
 - (iv) House Appropriations Committee;
- (h) State Administration and Veterans' Affairs Interim Committee:

- (i) Senate State Administration Committee;
 - (ii) Senate Finance and Claims Committee;
 - (iii) House State Administration Committee; and
 - (iv) House Appropriations Committee;
 - (i) State-Tribal Relations Committee:
 - (i) Senate Education and Cultural Resources Committee;
 - (ii) Senate Finance and Claims Committee;
 - (iii) House Energy, Technology, and Federal Relations Committee; and
 - (iv) House Appropriations Committee;
 - (j) Transportation Interim Committee:
 - (i) Senate Highways and Transportation Committee;
 - (ii) Senate Finance and Claims Committee;
 - (iii) House Transportation Committee; and
 - (iv) House Appropriations Committee;
 - (k) Water Policy Interim Committee:
 - (i) Senate Agriculture, Livestock, and Irrigation Committee;
 - (ii) Senate Natural Resources Committee;
 - (iii) Senate Fish and Game Committee;
 - (iv) Senate Finance and Claims Committee;
 - (v) House Agriculture Committee;
 - (vi) House Fish, Wildlife, and Parks Committee;
 - (vii) House Natural Resources Committee; and
 - (viii) House Appropriations Committee.
- (5) (a) There is a Special Select Committee on Judicial Accountability and Transparency.
- (b) Senate committee members must be appointed by the President of the Senate.
- (c) House committee members must be appointed by the Speaker of the House.
- (d) The composition of the committee must be as follows:
- (i) three members of the House, two from the majority party and one from the minority party; and
 - (ii) three members of the Senate, two from the majority party and one from the minority party.
- (e) The committee shall elect its presiding officer and vice presiding officer from among its members.
- (f) All meetings of the committee are open to the public to the same extent as other legislative committee meetings.
- (g) The committee may:
- (i) exercise committee investigatory powers under Title 5, chapter 5, part 1, MCA;
 - (ii) investigate and examine state governmental activities and may examine and inspect all records, books, and files of any department, agency, commission, board, or institution of the state of Montana; and
 - (iii) contract for special counsel services, subject to the Legislature appropriating funds for this purpose.
- (h) The committee may meet and conduct business from the start of the legislative session until a new Legislature is elected and takes office.
- 30-80. Appointment of committees other than standing or statutory interim committees.** Members of committees other than standing or statutory interim committees shall be appointed in accordance with the rules of each house.

CHAPTER 40**Legislation**

40-10. Amendment to state constitution. A bill must be used to propose an amendment to The Constitution of the State of Montana. The bill is not subject to the veto of the Governor (Montana Constitution, Art. VI, Sec. 10(1)).

40-20. Appropriation bills – introduction in House – feed bill. (1) All appropriation bills must originate in the House of Representatives.

(2) Appropriation bills for the operation of the Legislature must be introduced by the chair of the House Appropriations Committee.

(3) (a) The provisions of a bill that implements provisions of a general appropriation act must directly and substantively relate to a corresponding provision of the general appropriation act.

(b) (i) When a bill that implements provisions of a general appropriation act is transmitted from the Senate to the House for concurrence, the House may refer the bill to the House Appropriations Committee for a joint meeting with the appropriate house standing committee for public review and consideration prior to action by the House Committee of the Whole on second reading.

(ii) When a bill that implements provisions of a general appropriation act is transmitted from the House to the Senate for concurrence, the Senate may refer the bill to the Senate Finance and Claims Committee for a joint meeting with the appropriate Senate standing committee for public review and consideration prior to action by the Senate Finance and Claims Committee and the Senate Committee of the Whole on second reading. The appropriate standing committee may not take executive action on the bill other than making recommendations to the Senate Finance and Claims Committee.

40-30. Effective dates. (1) Except as provided in subsections (2) through (4), a statute takes effect on October 1 following its passage and approval unless a different time is prescribed in the enacting legislation.

(2) A law appropriating public funds for a public purpose takes effect on July 1 following its passage and approval unless a different time is prescribed in the enacting legislation.

(3) A statute providing for the taxation or imposition of a fee on motor vehicles takes effect on the first day of January following its passage and approval unless a different time is prescribed in the enacting legislation.

(4) A joint resolution takes effect on its passage unless a different time is prescribed in the joint resolution.

40-40. Bill requests and introduction – limits and procedures – drafting priority – agency and committee bills. (1) Prior to a regular session, a person entitled to serve in that session, referred to as a “member”, or a legislative committee is entitled to request bill drafting services from the Legislative Services Division. Deadlines for requesting certain types of bills during a legislative session are contained in Joint Rule 40-50.

(a) Prior to 5 p.m. on December 5 preceding a regular session of the Legislature, a member may request an unlimited number of bills and resolutions to be prepared by the Legislative Services Division for introduction in the regular session.

(b) After 5 p.m. on December 5, a member may request no more than seven bills or resolutions to be prepared by the Legislative Services Division. At least five of the seven bills or resolutions must be requested before the regular session convenes.

(c) After December 5, a member, in the member’s discretion, may grant to any other member any of the remaining bill or resolution requests the granting member has not used. A bill requested by an individual may not be

transferred to another legislator but may be introduced by another legislator. The requestor must take delivery of the bill either in person or by electronic means and sign, either in person or by electronic means, a receipt indicating delivery of the bill and may either introduce the bill or give the bill to another legislator for introduction.

(d) These limitations on bill and resolution requests do not apply to:

- (i) Code Commissioner bills;
- (ii) a bill or resolution requested by a standing committee; and
- (iii) a bill or resolution requested by a member at the request of a newly elected state official if so designated.

(2) (a) Except as provided in subsection (2)(b) or this subsection, the staff of the Legislative Services Division shall work on bill draft requests in the order received. After a member has requested the drafting of five bills, the sixth bill request and all subsequent bill requests of that member must receive a lower drafting priority than all other bills of members not in excess of five per member. The Speaker of the House and the President of the Senate may each direct the staff of the Legislative Services Division to assign a higher priority to 38 draft requests. The minority leader of the House and the minority leader of the Senate may each direct the staff of the Legislative Services Division to assign a higher priority to 20 draft requests. The staff of the Legislative Services Division shall assign a higher priority to any bill draft request when jointly directed by the President of the Senate, the minority leader of the Senate, the Speaker of the House, and the minority leader of the House.

(b) Except for bill draft requests described in subsection (1)(d)(iii), if a draft bill has not been received by the Legislative Services Division by November 15 for a bill by request of an agency or entity, the draft loses its priority under this rule.

(3) Bills and resolutions must be reviewed by the staff of the Legislative Services Division prior to introduction for proper format, style, and legal form. The staff of the Legislative Services Division shall store bills on the automated bill drafting equipment and shall post them electronically or print and deliver them to the requesting members. The original bill back must be signed to indicate review by the Legislative Services Division. The electronic version of the bill must include an indication of review by the Legislative Services Division. A bill may not be introduced unless it is so signed or indicated.

(4) (a) During a session, a bill may be introduced by endorsing it with or indicating the name of a member and presenting it to the Chief Clerk of the House of Representatives or the Secretary of the Senate. Bills or joint resolutions may be sponsored jointly by Senate and House members. A jointly sponsored bill must be introduced in the house in which the member whose name appears or is indicated first on the bill is a member. The chief joint sponsor's name must appear immediately to the right of the first sponsor's name, and the chief sponsor may not be changed. Except as provided in subsection (4)(b), in each session of the Legislature, bills, joint resolutions, and simple resolutions must be numbered consecutively in separate series in the order of their receipt.

(b) The first 15 House bills may be reserved for preintroduced bills.

(5) (a) Except as provided in subsection (5)(b)(ii), any bill requested by an interim or statutory legislative committee or on behalf of an administrative or executive agency or department through an interim or statutory committee must be so indicated by placing after the names of the sponsors the phrase "By Request of the.....(Name of committee or agency)". The phrase may not be added to an introduced bill by amendment. The phrase may not be placed on a bill unless requested by a statutory or interim committee prior to the convening of the session. Unless requested by an individual member, a bill

draft request submitted at the request of an agency must be submitted to, reviewed by, and requested by the appropriate interim or statutory committee. Except as provided in subsection (5)(b), an agency or committee bill request must be preintroduced or the request is canceled. Preintroduction of an agency, committee, or individual legislator’s bill must occur no later than 5 p.m. on December 15th prior to the convening of a regular legislative session. Preintroduction is accomplished when the Legislative Services Division receives a signed preintroduction form.

(b) (i) The preintroduction requirement does not apply to an office held by an elected official during the official’s first year in that office or to bills requested by a joint select or joint special committee appointed prior to the convening of the legislative session to address a specific issue. Bills requested under this subsection (5)(b) may include the phrase “By Request of.....(Name of official or committee)”.

(ii) An official newly elected to a statewide office may request in writing that the Legislative Services Division remove the phrase “By Request of.....” from bills requested by the outgoing official of that office.

(6) Bills may be preintroduced, numbered, posted online, and reproduced prior to a legislative session by the staff of the Legislative Services Division. Actual signatures, facsimile signatures (5-2-105, MCA), or electronic signatures, along with verified email addresses, of persons entitled to serve as members in the ensuing session may be obtained on a consent form from the Legislative Services Division and the sponsor’s name printed or listed on the bill. Additional sponsors may be added on motion of the chief sponsor at any time prior to a standing committee report on the bill. These names will be forwarded to the Legislative Services Division to be included on the face of the printed bill or included on the electronic version of the bill following standing committee approval.

40-50. Schedules for drafting requests and bill introduction. (1) The following schedule must be followed for submission of drafting requests.

	Request Deadline 5:00 P.M. Legislative Day
• General Bills and Resolutions	12
• Revenue Bills	17
• Committee Bills and Resolutions	36
• Committee Revenue Bills and Bills Proposing Referenda	56
• Committee Bills implementing provisions of a general appropriation act	56
• Interim study resolutions	60
• Appropriation Bills	45
• Resolutions to express confirmation of appointments	No Deadline
• Bills repealing or directing the amendment or adoption of administrative rules and joint resolutions advising or requesting the repeal, amendment, or adoption of administrative rules	No Deadline

(2) (a) A bill or resolution must be introduced at least 6 legislative days prior to the applicable transmittal deadline as provided in Joint Rule 40-200 except for:

- (i) a session committee bill, resolution, or referenda;

(ii) a bill repealing or directing the amendment or adoption of administrative rules;

(iii) a joint resolution advising or requesting the repeal, amendment, or adoption of administrative rules; or

(iv) a resolution expressing confirmation.

(b) Bills and resolutions must be introduced within 2 legislative days after delivery. Failure to comply with the introduction deadline results in the bill draft being canceled.

40-60. Joint resolutions. (1) A joint resolution must be adopted by both houses and is not approved by the Governor. It may be used to:

(a) express desire, opinion, sympathy, or request of the Legislature;

(b) recognize relations with other governments, sister states, political subdivisions, or similar governmental entities;

(c) request, but not require, a legislative entity to conduct an interim study;

(d) adopt, amend, or repeal the joint rules;

(e) approve construction of a state building under section 18-2-102 or 20-25-302, MCA;

(f) deal with disasters and emergencies under Title 10, specifically as provided in sections 10-3-302(3), 10-3-303(3), 10-3-303(4), and 10-3-505(5), MCA;

(g) submit a negotiated settlement under section 39-31-305(3), MCA;

(h) declare or terminate an energy emergency under section 90-4-310, MCA;

(i) ratify or propose amendments to the United States Constitution;

(j) advise or request the repeal, amendment, or adoption of a rule in the Administrative Rules of Montana; or

(k) approve the organization of a new community college district under section 20-15-209, MCA.

(2) A joint resolution may not be used for purposes of congratulating or recognizing an individual or group achievement. Recognition of individual or group achievements is handled on special orders of the day.

(3) Except as otherwise provided in these rules or The Constitution of the State of Montana, a joint resolution is treated in all respects as a bill.

(4) A copy of every joint resolution must be transmitted after adoption to the Secretary of State by the Secretary of the Senate or the Chief Clerk of the House.

40-65. Appropriation required for bills requesting interim studies.

(1) A bill including a request for an interim study may not be transmitted to the Governor unless the bill contains an appropriation sufficient to conduct the study. The bill must include a contingent voidness section that would void the bill if an appropriation is not included. A fiscal note may be requested for a bill requesting an interim study if the appropriation does not appear to be sufficient.

(2) A Senator may introduce a bill that includes a request for an interim study in the Senate without an appropriation, but the bill may not be transmitted to the Governor unless the bill contains an appropriation added in the House that is sufficient to conduct the study.

40-70. Bills with same purpose -- vetoes. (1) A bill may not be introduced or received in a house after that house, during that session, has finally rejected a bill designed to accomplish the same purpose, except with the approval of the Rules Committee of the house in which the bill is offered for introduction or reception.

(2) Failure to override a veto does not constitute final rejection.

40-80. Reproduction of full statute required. A statute may not be amended or its provisions extended by reference to its title only, but the

statute section that is amended or extended must be reproduced or published at length.

40-90. Bills -- original purpose. A law may not be passed except by bill. A bill may not be so altered or amended on its passage through either house as to change its original purpose (Montana Constitution, Art. V, Sec. 11(1)).

40-95. Amendment processing. (1) Amendments to bills and resolutions are drafted by Legislative Services Division staff.

(2) All amendments must be reviewed by the staff of the Legislative Services Division for proper format, style, and legal form.

(3) Amendments requested and approved by a legislator on a bill that has been assigned to a session standing committee must be emailed to members of the committee prior to executive action on the bill.

(4) Amendments requested and approved by a legislator on a bill that is scheduled for second reading in the Committee of the Whole must be posted online.

40-100. Fiscal notes. (1) All bills reported out of a committee of the Legislature, including interim committees, having a potential effect on the revenues, expenditures, or fiscal liability of the state, local governments, or public schools, except appropriation measures carrying specific dollar amounts, must include a fiscal note incorporating an estimate of the fiscal effect. The Legislative Services Division staff shall indicate at the top of each bill prepared for introduction that a fiscal note may be necessary under this rule. Fiscal notes must be requested by the presiding officer of either house, who, at the time of introduction or after adoption of substantive amendments to an introduced bill, shall determine the need for the note, based on the Legislative Services Division staff recommendation.

(2) The Legislative Services Division shall make available an electronic copy of any bill for which it has been determined a fiscal note may be necessary to the Budget Director immediately after the bill has been prepared for introduction and delivered to the requesting member. The Budget Director may proceed with the preparation of a fiscal note in anticipation of a subsequent formal request. A bill with financial implications for a local government or school district must comply with subsection (4).

(3) The Budget Director, in cooperation with the governmental entity or entities affected by the bill, is responsible for the preparation of the fiscal note. Except as provided in subsection (4), the Budget Director shall return the fiscal note within 6 days unless further time is granted by the presiding officer or committee making the request, based upon a written statement from the Budget Director that additional time is necessary to properly prepare the note.

(4) (a) A bill that may require a local government or school district to perform an activity or provide a service or facility that requires the direct expenditure of additional funds without a specific means to finance the activity, service, or facility in violation of section 1-2-112 or 1-2-113, MCA, must be accompanied, at the time that the bill is presented for introduction, by an estimate of all direct and indirect fiscal impacts on the local government or school district. The estimate of the fiscal impacts must be prepared by the Budget Director in cooperation with a local government or school district affected by the bill.

(b) The Budget Director has 10 days to prepare the estimate. Upon completion of the estimate, the Budget Director shall submit it to the presiding officer and the chief sponsor of the bill.

(5) A completed fiscal note must be submitted by the Budget Director to the presiding officer who requested it. The presiding officer shall notify the bill's chief sponsor of the completed fiscal note and request the chief sponsor's actual or electronic signature. The chief sponsor has 1 legislative day after

delivery to review the fiscal note and to discuss the findings with the Budget Director, if necessary. After the legislative day has elapsed, all fiscal notes having a potential effect on the revenues, expenditures, or fiscal liability must be reproduced for the members of the committee hearing the bill and, if the bill is reported out of committee, placed on the members' desks, either with or without the chief sponsor's actual or electronic signature.

(6) A fiscal note must, if possible, show in dollar amounts:

- (a) the estimated increase or decrease in revenues or expenditures;
- (b) costs that may be absorbed without additional funds; and
- (c) long-range financial implications.

(7) The fiscal note may not include any comment or opinion relative to merits of the bill. However, technical or mechanical defects in the bill may be noted.

(8) (a) A fiscal note also may be requested, with the approval of the presiding officer, on a bill and on an amended bill by:

- (i) a committee considering the bill;
- (ii) a majority of the members of the house in which the bill is to be considered, at the time of second reading; or
- (iii) the chief sponsor.

(b) With the approval of the presiding officer, a committee may request a revised fiscal note on committee-approved amendments to a bill not reported out of committee by passing a motion to postpone action on the bill pending a revised fiscal note.

(9) The Budget Director shall prepare and deliver an amended fiscal note on an amended bill within 3 days of the request by the presiding officer; otherwise the bill may proceed without the updated fiscal note.

(10) The Budget Director shall make available on request to any member of the Legislature all background information used in developing a fiscal note.

(11) If a bill requires a fiscal note, the bill may not be reported from a committee for second reading unless the bill is accompanied by the fiscal note.

(12) (a) If the budget director fails to prepare and submit a fiscal note in a timely fashion in accordance with this rule, the presiding officer of each house may request the preparation of a fiscal note by the Legislative Fiscal Division, which shall prepare a fiscal note for the bill.

(b) The presiding officer of the originating chamber shall designate which fiscal note accompanies the bill or is used in the preparation of the status sheet if more than one fiscal note is prepared.

40-110. Sponsor's fiscal note rebuttal. (1) If a sponsor elects to prepare a sponsor's fiscal note rebuttal, the sponsor shall make the election as provided and return the completed sponsor's fiscal note rebuttal form to the presiding officer within 4 days of the election. The form must identify the bill number, the sponsor of the bill, the date prepared, the version of the fiscal note being rebutted, the reasons the sponsor disagrees with the fiscal note, the items or assumptions in the fiscal note that the sponsor believes are incorrect, and the sponsor's estimate of the fiscal impact, if an estimate is available.

(2) The presiding officer may grant additional time to the sponsor for preparation of the sponsor's fiscal note rebuttal.

(3) Upon receipt of the completed sponsor's fiscal note rebuttal form, the presiding officer shall refer it to the committee hearing the bill. If the bill is printed, the form must be identified as a sponsor's fiscal note rebuttal, reproduced, and placed on the members' desks. The sponsor's fiscal note rebuttal must be posted online with the bill materials.

(4) The Legislative Services Division or the Legislative Fiscal Division shall provide forms for preparation of sponsors' fiscal note rebuttals and shall post

the completed sponsors' fiscal note rebuttals online and may also print the completed sponsors' fiscal note rebuttal forms on a different color paper than the fiscal notes prepared by the Budget Director.

40-120. Substitute bills. (1) A committee may recommend that every clause in a bill be changed and that entirely new material be substituted so long as the new material is relevant to the title and subject of the original bill. The substitute bill is considered an amendment and not a new bill.

(2) The proper form of reporting a substitute bill by a committee is to propose amendments to strike out all of the material following the enacting clause, to substitute the new material, and to recommend any necessary changes in the title of the bill.

(3) If a committee report is adopted that recommends a substitute for a bill originating in the other house, the substitute bill must be printed and reproduced.

40-130. Reading of bills. Prior to passage, a bill, other than a bill requested by a joint select or joint special committee as provided in 40-40(5)(b), must be read three times in the house in which it is under consideration. It may be read either by title or by summary of title. Introduction constitutes the first reading of the bill.

40-140. Second reading – bill reproduction. (1) If the majority of a house adopts a recommendation for the passage of a bill originating in that house after the bill has been returned from a committee with amendments, the bill and its version status must be posted online and, if printed, the bill must be reproduced on yellow paper with all amendments incorporated into the copies.

(2) If a bill has been returned from a committee without amendments, an indication must be made online on the bill status page. If the bill is printed, only the first sheet must be reproduced on yellow paper, and the remainder of the text may be incorporated by reference to the preceding version of the entire bill.

(3) A bill requested by and heard by a joint select or joint special committee, as provided in 40-40(5)(b), may be referred directly to second reading. If the bill is passed by the house of origin, the bill must be transmitted to the other house, and if the bill was not amended, it may be placed on second reading without the need for referral to a committee.

40-150. Engrossing. (1) When a bill has been reported favorably by Committee of the Whole of the house in which it originated and the report has been adopted, the bill must be engrossed if the bill is amended. Committee of the Whole amendments must be included in the engrossed bill. If the bill is not amended, the bill must be sent to printing. The bill must be placed on the calendar for third reading on the legislative day after receipt.

(2) Copies of the engrossed bill must be distributed to members electronically. If also printed, the engrossed bill must be reproduced on blue paper. If a bill is unamended by the Committee of the Whole and contains no clerical errors, it is not required to be reprinted. If printed, only the first sheet must be reproduced on blue paper, with the remainder of the text incorporated by reference to the preceding version of the entire bill.

(3) If a bill is amended by a standing committee in the second house, the amendments must be engrossed and the engrossed bill posted online. If the engrossed bill is also printed, the amendments must be included in a tan-colored bill and distributed in the second house for second reading consideration. If the bill is amended in Committee of the Whole, the amendments must be engrossed and the engrossed bill posted online. If the engrossed bill is also printed, the amendments must be included in a salmon-colored reference bill

and distributed in the second house for third reading. If the bill passes on third reading, the reference bill must be posted online and, if printed, copies distributed in the original house. The original house may request from the second house a specified number of copies of the amendments to be printed.

40-160. Enrolling. (1) When a bill has passed both houses, it must be enrolled. An original and one duplicate printed copy of the bill must be enrolled, free from all errors, with a margin of two inches at the top and one inch on each side. In sections amending existing statutes, new matter must be underlined and deleted matter must be shown as stricken. The enrolled bill must be posted online.

(2) When the enrolling is completed, the bill must be examined by the sponsor.

(3) The correctly enrolled bill must be delivered to the presiding officer of the house in which the bill originated. The presiding officer shall sign the original and one copy of the bill not later than the next legislative day after it has been reported correctly enrolled, unless the bill is delivered on the last legislative day, in which case the presiding officer shall sign it that day. The fact of signing must be announced by the presiding officer and entered upon the journal no later than the next legislative day. At any time after the report of a bill correctly enrolled and before the signing, if a member signifies a desire to examine the bill, the member must be permitted to do so. The bill then must be transmitted to the other house where the same procedure must be followed.

(4) A bill that has passed both houses of the Legislature by the 90th day may be:

(a) enrolled;

(b) clerically corrected by the presiding officers, if necessary;

(c) signed by the presiding officers; and

(d) delivered to the Governor or, in the case of a bill proposing a referendum, to the Secretary of State, not later than 5 working days after the 90th legislative day.

(5) All journal entries authorized under this rule must be entered on the journal for the 90th day.

(6) The original and one copy signed by the presiding officer of each house must be presented to the Governor or the Secretary of State, as applicable, in return for a receipt. A report then must be made to the house of the day of the presentation, which must be entered on the journal.

(7) The original must be filed with the Secretary of State. A signed copy with a chapter number assigned pursuant to section 5-11-204, MCA, must be filed with the Legislative Services Division.

40-170. Amendment by second house. (1) Amendments to a bill by the second house may not be further amended by the house in which the bill originated, but must be either accepted or rejected. A bill amended by the second house when the effect of the combined amendments is to return the bill to the form that the bill passed the house in which the bill originated is not considered to have been amended and need not be returned to the house of origin for acceptance or rejection of the amendments. If the amendments are rejected, a conference committee may be requested by the house in which the bill originated. If the amendments are accepted and the bill is of a type requiring more than a majority vote for passage, the bill again must be placed on third reading in the house of origin.

(2) The vote on third reading after concurrence in amendments is the vote of the house of origin that must be used to determine if the required number of votes has been cast.

40-180. Final action on a bill. (1) When a bill being heard by the second house has received its third reading or has been rejected, the second house shall transmit it as soon as possible to the original house with notice of the second house's action.

(2) A bill that reduces revenue and that contains a contingent voidness provision may not be transmitted to the Governor unless there is an identified corresponding reduction in an appropriation contained in the general appropriations act.

40-190. Transmittal of bills between houses – referral – hearing.

(1) Each house shall transmit to the other with any bill all relevant papers.

(2) When a House bill is transmitted to the Senate, the Secretary of the Senate shall give a dated receipt for the bill to the Chief Clerk of the House. When a Senate bill is transmitted to the House of Representatives, the Chief Clerk of the House shall give a dated receipt to the Secretary of the Senate.

(3) Transmitted bills must be referred to committee and scheduled for hearing.

40-200. Transmittal deadlines – two-thirds vote requirement.

(1) (a) A bill or amendment transmitted after the deadline established in this subsection (1) may be considered by the receiving house only upon approval of two-thirds of its members present and voting. If the receiving house does not so vote, the bill or amendment must be held pending in the house to which it was transmitted.

(b) (i) A bill, except for an appropriation bill, a revenue bill, a bill proposing a referendum, an interim study resolution, or amendments considered by joint committee, must be transmitted from one house to the other on or before the 45th legislative day.

(ii) Amendments, except to appropriation bills, committee bills implementing the general appropriations bill, the revenue estimating resolution, interim study resolutions, bills proposing referenda, and revenue bills, must be transmitted from one house to the other on or before the 73rd legislative day.

(c) (i) Revenue bills and bills proposing referenda must be transmitted to the other house on or before the 67th legislative day.

(ii) Amendments to revenue bills and bills proposing referenda, received from the other house, must be transmitted to the house of origin on or before the 80th legislative day.

(iii) A revenue bill is one that either increases or decreases revenue by enacting, eliminating, increasing, or decreasing taxes or fees.

(d) (i) Appropriation bills and any bill implementing provisions of a general appropriation bill must be transmitted to the Senate on or before the 67th legislative day. A fund transfer within the state treasury is not an appropriation for purposes of this section.

(ii) Senate amendments to appropriation bills must be transmitted by the Senate to the House on or before the 80th legislative day.

(2) (a) A joint resolution introduced pursuant to 5-5-227, MCA, for the purpose of estimating revenue available for appropriation by the Legislature must be transmitted to the Senate no later than the 60th legislative day.

(b) Amendments to the revenue estimating resolution must be transmitted to the body in which the resolution was introduced no later than the 82nd legislative day.

(3) Bills repealing or directing the amendment or adoption of administrative rules and joint resolutions advising or requesting the repeal, amendment, or adoption of administrative rules may be transmitted at any time during a session.

(4) Interim study resolutions must be transmitted from one house to the other on or before the 85th legislative day.

40-210. Governor's veto. (1) Except as provided in 40-65 and 40-180, each bill passed by the Legislature must be submitted to the Governor for the Governor's signature. This does not apply to:

- (a) bills proposing amendments to The Constitution of the State of Montana;
- (b) bills ratifying proposed amendments to the United States Constitution;
- (c) resolutions; and
- (d) referendum measures of the Legislature.

(2) If the Governor does not sign or veto the bill within 10 days after its delivery, the bill becomes law.

(3) The Governor shall return a vetoed bill to the Legislature with a statement of reasons for the veto.

(4) If after receipt of a veto message, two-thirds of the members of each house present approve the bill, it becomes law.

(5) If the Legislature is not in session when the Governor vetoes a bill, the Governor shall return the bill with reasons for the veto to the Legislature as provided by law. The Legislature may be polled on a bill that it approved by two-thirds of the members present or it may be reconvened to reconsider any bill so vetoed (Montana Constitution, Art. VI, Sec. 10).

(6) The Governor may veto items in appropriation bills, and in these instances the procedure must be the same as upon veto of an entire bill (Montana Constitution, Art. VI, Sec. 10).

40-220. Response to Governor's veto. (1) When the presiding officer receives a veto message, the presiding officer shall read it to the members over the rostrum. After the reading, a member may move that the Governor's veto be overridden.

(2) A vote on the motion is determined by roll call. If two-thirds of the members present vote "aye", the veto is overridden. If two-thirds of the members present do not vote "aye", the veto is sustained.

40-230. Governor's recommendations for amendment – procedure.

(1) The Governor may return any bill to the Legislature with recommendations for amendment. The Governor's recommendations for amendment must be considered first by the house in which the bill originated.

(2) If the Legislature passes the bill in accordance with the Governor's recommendations, it shall return the bill to the Governor for reconsideration. The Governor may not return a bill to the Legislature a second time for amendment.

(3) If the Governor returns a bill to the originating house with recommendations for amendment, the house shall reconsider the bill under its rules relating to amendments offered in Committee of the Whole.

(4) The bill then is subject to the following procedures:

(a) The originating house shall transmit to the second house, for consideration under its rules relating to amendments in Committee of the Whole, the bill and the originating house's approval or disapproval of the Governor's recommendations.

(b) If both houses approve the Governor's recommendations, the bill must be returned to the Governor for reconsideration.

(c) If both houses disapprove the Governor's recommendations, the bill must be returned to the Governor for reconsideration.

(d) If one house disapproves the Governor's recommendations and the other house approves, then either house may request a conference committee, which may be a free conference committee.

(i) If both houses adopt a conference committee report, the bill in accordance with the report must be returned to the Governor for reconsideration.

(ii) If a conference committee fails to reach agreement or if its report is not adopted by both houses, the Governor's recommendations must be considered not approved and the bill must be returned to the Governor for further consideration.

CHAPTER 60

Rules

60-05. Source and precedent of legislative rules of the Montana Legislature. (1) The legislative rules of the Montana Legislature are derived from several sources listed below and take precedence in the following order:

- (a) constitutional provisions and judicial decisions on the constitution;
- (b) adopted legislative rules of the Montana Legislature;
- (c) statutory provisions;
- (d) adopted parliamentary authority; and
- (e) parliamentary law.

(2) Legislative rules passed by one legislature or statutory provisions governing the legislative process are not binding on a subsequent legislature.

60-10. Suspension of joint rule – change in rules. (1) A joint rule may be repealed, amended, or adopted only with the concurrence of both houses. A motion or a joint rule resolution to repeal, amend, or adopt a joint rule must be referred to the Rules Committee. A joint rule may be repealed, amended, or adopted only with the concurrence of a majority of the members voting in both houses.

(2) A joint rule governing the procedure for handling bills may be temporarily suspended by the consent of two-thirds of the members of either house, insofar as it applies to the house suspending it.

(3) Any Rules Committee report recommending a change in the joint rules must be referred to the other house. Any new rule or any change in the rules of either house must be transmitted to the other house for informational purposes.

(4) Upon adoption of any change, the Secretary of the Senate and the Chief Clerk of the House of Representatives shall provide the office of the Legislative Services Division:

(a) one copy of all motions or resolutions amending Senate, House, or joint rules; and

(b) copies of all minutes and reports of the Rules Committees.

60-20. Reference to Mason's Manual. Mason's Manual of Legislative Procedure (2020) governs the proceedings of the Senate and the House of Representatives in all cases not covered by these rules.

60-30. Publication and distribution of joint rules. (1) The Legislative Services Division shall codify and publish in one volume:

- (a) the rules of the Senate;
- (b) the rules of the House of Representatives; and
- (c) the joint rules of the Senate and the House of Representatives.

(2) After the rules have been published, the Legislative Services Division shall distribute copies as directed by the Senate and the House of Representatives.

60-40. Tenure of joint rules. The joint rules remain in effect until removed by a joint resolution or until a new Legislature is elected and takes office.

Adopted April 28, 2021

SENATE JOINT RESOLUTION NO. 3

A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA REQUESTING AN INTERIM STUDY OF THE FEASIBILITY OF ADVANCED NUCLEAR REACTORS AS A REPLACEMENT FOR COAL-FIRED BOILERS.

WHEREAS, closure of coal-fired power plants will result in negative impacts on the Colstrip community, a significant negative impact on the surrounding area, and large losses in Montana tax revenue; and

WHEREAS, continued operations can be achieved by replacing coal-fired boilers with an advanced nuclear reactor, thereby utilizing all of the remaining infrastructure to produce and distribute clean, affordable electricity safely and without carbon emissions; and

WHEREAS, small advanced nuclear reactors employ passive safety and innovative designs that can provide electrical input in the range of 250 megawatts to 500 megawatts by exchanging heat between coolant and a steam generator; and

WHEREAS, the production of emission-free electricity will likely allow current generating facilities to retain a customer base in California, Washington, and Oregon, thereby mitigating the problems created by closure; and

WHEREAS, operation of an advanced nuclear plant would provide clean, well-paying, high-tech jobs for Montana residents and their children far into the future; and

WHEREAS, Montana regulations regarding nuclear power will need to be revised and approved by Montana voters in order to enable the construction and operation of an advanced nuclear reactor at Colstrip; and

WHEREAS, some advanced technology has proven to be “walkaway safe”, meaning it can shut itself down with no need for human intervention in the event of an operational upset within a given timeframe; and

WHEREAS, an advanced commercial reactor at Colstrip could serve as a model for the United States and the world as a means to produce vast amounts of clean, affordable electricity in a safe, carbon-free manner; and

WHEREAS, the United States Department of Energy is working with industry to cultivate advanced nuclear fuel innovations to provide numerous benefits, including enhanced accident tolerance, improved reactor economics, greater fuel efficiency, a reduced environmental footprint, and lower used fuel volumes; and

WHEREAS, once developed, generation IV reactors will gain additional benefits from advanced fuel innovations that include producing energy from spent nuclear fuel resulting in self-sustaining, emission-free energy for millennia with unsurpassed safety; and

WHEREAS, advanced nuclear reactors can provide both frequency control and load-following operations, serving as an ideal complement to variable sources of generation such as wind and solar; and

WHEREAS, the great state of Montana would substantially benefit from being a leader in the transition to clean energy by supporting nuclear power. NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA:

That the Legislative Council be requested to designate an appropriate interim committee or statutory committee, pursuant to section 5-5-217, MCA, to study the feasibility of advanced nuclear power generation in order to:

(1) evaluate current Montana regulations that need revision in order to enable the construction and operation of advanced nuclear reactors;

(2) evaluate the economic feasibility of replacing coal-fired boilers with advanced nuclear reactors while accounting for the avoided costs that would result from the closure of coal-fired plants; and

(3) evaluate the safety of, and the waste stream resulting from, the construction and operation of advanced nuclear reactors and gather input from residents of the Colstrip area.

BE IT FURTHER RESOLVED, that if the study is assigned to staff, any findings or conclusions be presented to and reviewed by an appropriate committee designated by the Legislative Council.

BE IT FURTHER RESOLVED, that all aspects of the study, including presentation and review requirements, be concluded prior to September 15, 2022.

BE IT FURTHER RESOLVED, that the final results of the study, including any findings, conclusions, comments, or recommendations of the appropriate committee, be reported to the 68th Legislature.

Adopted April 21, 2021

SENATE JOINT RESOLUTION NO. 5

A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA URGING THE NATIONAL PARK SERVICE TO INCLUDE SACAGAWEA ON DESIGNATION SIGNS FOR THE LEWIS AND CLARK TRAIL.

WHEREAS, Sacagawea, who spoke both Shoshone and Hidatsa, traveled for over 16 months with the Lewis and Clark Expedition, delivering a child en route, and acting as an interpreter in crucial negotiations between members of the Expedition and Indian tribes; and

WHEREAS, Sacagawea's translations were significant to the success of the Expedition; and

WHEREAS, Sacagawea shared her knowledge of native foods to help vary the diet of Expedition members and saved provisions from being lost when a boat overturned and others panicked; and

WHEREAS, Sacagawea helped orient the Expedition as it neared the headwaters of the Missouri River; and

WHEREAS, Meriwether Lewis described Sacagawea as a woman of equal parts fortitude and resolution, naming a river south of the confluence of the Musselshell and Missouri Rivers after her.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA:

That the 67th Legislature recognizes the strength, fortitude, and perseverance of Sacagawea and urges the National Park Service to honor her by including her likeness on the Lewis and Clark Trail designation signs.

BE IT FURTHER RESOLVED, that the Secretary of State send a copy of this resolution to the United States Secretary of the Interior, the Director of the National Park Service, and each of the federally recognized tribal governments in Montana.

Adopted April 12, 2021

SENATE JOINT RESOLUTION NO. 6

A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA URGING THE FEDERAL GOVERNMENT TO SIMPLIFY AND REDUCE THE COSTS OF STREAM RESTORATION PROJECTS WHILE MAINTAINING THE SAFETY OF STRUCTURES IN FLOODS.

WHEREAS, Montana law prohibits certain uses within the floodway, including excavation that will cause water to be diverted from the established floodway, cause erosion, obstruct the natural flow of water, or reduce the carrying capacity of the floodway; and

WHEREAS, an engineering analysis is required by state and federal law to show a no-rise in base elevations. Such a complex analysis is not usually needed for simple stream restoration projects where an engineering analysis can cost more than the restoration work; and

WHEREAS, the Montana Association of Conservation Districts adopted Resolution 15-1 to encourage the Montana Department of Natural Resources and Conservation and the Federal Emergency Management Agency to work together to develop solutions to the prohibitive permitting constraints that will be acceptable by all agencies; and

WHEREAS, the Department of Natural Resources and Conservation established a stream restoration committee in 2017 to allow all permitting agencies and interested parties to work together to develop alternatives or guidelines to alleviate unnecessary permitting constraints for restoration projects; and

WHEREAS, an engineering analysis is not necessary to design a restoration project that keeps the rise in 100-year flood levels as close to zero as practically possible to ensure structures are not impacted by flood waters.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA:

(1) That the Federal Emergency Management Agency and the National Flood Insurance Program be encouraged to implement the guidance developed by Montana's Stream Restoration Committee so certain stream restoration projects that keep the rise in 100-year flood levels as close to zero as practically possible are allowed to proceed with a simple analysis instead of unnecessary engineering work that makes stream restoration projects too expensive.

(2) That the Secretary of State send a copy of this resolution to the Governor, each member of the Montana Congressional Delegation, the directors of the Federal Emergency Management Agency and the National Flood Insurance program, the regional administrator for Region 8 of the Federal Emergency Management Agency, the director of the Montana Department of Natural Resources and Conservation, and the board of supervisors in each of the conservation districts in Montana.

Adopted April 15, 2021

SENATE JOINT RESOLUTION NO. 7

A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA URGING THE UNITED STATES CONGRESS TO REMOVE THE HIDDEN PASTURE WILDERNESS STUDY AREA FROM FURTHER WILDERNESS STUDY DESIGNATION.

WHEREAS, in 1993, the Bureau of Land Management recommended that Congress exclude the Hidden Pasture Creek Wilderness Study Area located west of Dell, Montana, from the wilderness system; and

WHEREAS, more than 15,000 acres in this area is de facto wilderness as a result of inaction for several decades making it difficult, and in some cases impossible, for the residents of Southwest Montana to conduct business in this area; and

WHEREAS, the southern boundary of this wilderness study area is a county road that has historically been, and remains, the principal transportation route

for those living and using the Big Sheep Basin for ranching and recreation as well as by the Bureau of Land Management, the United States Forest Service, and the Department of Natural Resources and Conservation; and

WHEREAS, power lines from the local electric cooperative crisscross over the road because the canyon is narrow, crooked, and very steep, putting portions of the line in the wilderness study area, subjecting the utility to restrictions that limit access for maintenance, repair, or improvement to this line; and

WHEREAS, the designation precludes Beaverhead County from addressing transportation safety issues, including widening the county road to prevent head-on and side-swipe accidents that have involved travelers unfamiliar with the road, area ranchers, and the Lima School bus, which travels this gravel road twice daily during the school year; and

WHEREAS, some projects require a specific angular-shaped rock that is accessible to larger dump trucks, and this material is located along the north side of the county road in the wilderness study area; and

WHEREAS, the center irrigation pivot owned by a local rancher crosses approximately 2.5 acres of land included in the wilderness study area. Also, the rancher owns 8 acres of land within the wilderness study area. The Bureau of Land Management will not trade land with the rancher, instead requiring him at great expense to install barricades and an auto-reverse option on the sprinkler; and

WHEREAS, the east boundary of the area is within 5 miles of Dell, Interstate 15, Highway 91, and the Union Pacific Railroad track, and has historically, since the early 1900s, been used for logging and coal mining. There are numerous roads as well as the rock quarry used for decades by residents, local contractors, Beaverhead County, and the Union Pacific Railroad; and

WHEREAS, the wilderness study area designation prevents some forms of weed control and fire prevention measures that are available in other areas; and

WHEREAS, area residents, the local telephone and electrical utilities, and the commissioners of Beaverhead County have written letters and sent petitions to the Montana Congressional Delegation asking that the Hidden Pasture Creek Wilderness Study Area be released from further wilderness consideration, in accordance with Bureau of Land Management recommendations.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA:

That the United States Congress be urged to remove the Hidden Pasture Creek Wilderness Study Area from further wilderness study designation.

BE IT FURTHER RESOLVED, that the Secretary of State send copies of this resolution to the President of the United States, the Speaker of the United States House of Representatives, the Majority Leader of the United States Senate, and each member of the Montana Congressional Delegation.

Adopted April 15, 2021

SENATE JOINT RESOLUTION NO. 8

A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA URGING THE MEMBERS OF THE UNITED STATES CONGRESS TO PROPOSE THE "KEEP NINE" AMENDMENT TO THE CONSTITUTION OF THE UNITED STATES TO REQUIRE THAT THE UNITED STATES SUPREME COURT BE COMPOSED OF NINE JUSTICES.

WHEREAS, an independent United States Supreme Court is an essential element of America's system of checks and balances that protects our constitutional rights; and

WHEREAS, the United States Supreme Court has been composed of nine justices for more than 150 years; and

WHEREAS, the President of the United States and the United States Congress should be prohibited from undermining the independence of the United States Supreme Court by changing the number of justices on the United States Supreme Court.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA:

That the United States Congress be urged to propose the "Keep Nine Amendment" to the Constitution of the United States that states: "The Supreme Court of the United States shall be composed of nine Justices".

BE IT FURTHER RESOLVED, that the Secretary of State send a copy of this resolution to each member of the Montana Congressional Delegation, the Speaker of the United States House of Representatives, the Majority Leader of the United States Senate, and to all of the Speakers of the House of Representatives and the Presidents of the Senate of the 99 state legislative chambers in the 50 states.

Adopted April 14, 2021

SENATE JOINT RESOLUTION NO. 9

A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA REAFFIRMING THE FRIENDSHIP BETWEEN THE STATE OF MONTANA AND TAIWAN; WELCOMING BILATERAL TRADE AGREEMENT TALKS; AND SUPPORTING TAIWAN'S MEANINGFUL PARTICIPATION IN INTERNATIONAL ORGANIZATIONS.

WHEREAS, Taiwan was the 11th largest trading partner of the United States in 2019 with a bilateral trade volume of \$85.5 billion, and according to the United States Census Bureau, Taiwan became the ninth largest trading partner in the first half of 2020 with a bilateral trade volume of \$42.8 billion; and

WHEREAS, Taiwan remains the seventh largest export market for the agricultural goods of the United States, including the sixth largest market for United States beef, valued at approximately \$3.57 billion a year between 2017 and 2019; and

WHEREAS, effective January 1, 2021, Taiwan President Tsai Ing-Wen announced the removal of restrictions on importing United States beef over 30 months of age and United States pork containing ractopamine, demonstrating Taiwan's efforts to eliminate trade barriers; and

WHEREAS, Taiwan was the State of Montana's sixth largest export market in 2019, valued at \$58 million in sales, which grew 14.5% over 2018; and

WHEREAS, Congress passed the Taiwan Travel Act and the Taiwan Allies International Protection and Enhancement Initiative Act in 2018 and 2019 to encourage bilateral governmental exchange between the United States and Taiwan and to support Taiwan's international participation; and

WHEREAS, between August 9-12, 2020, United States Secretary of Health and Human Services Alex Azar led a delegation to Taiwan to express the United States government's support of Taiwan and to recognize Taiwan's contributions during the global public health pandemic of the novel coronavirus; and

WHEREAS, the year 2021 is the 36th anniversary of the sisterhood between the State of Montana and Taiwan. In 2020, during the pandemic, Taiwan donated nearly 20 million surgical masks all over the world. Demonstrating Taiwan's friendship and commitment to the State of Montana, Taiwan sent 30,000 surgical masks to Montana's frontline responders and another 10,000 surgical masks to Montana's judicial personnel; and

WHEREAS, the State of Montana reaffirms its dedication to strengthening closer trade and cultural ties with Taiwan, supporting increased bilateral trade and investment, and encouraging further governmental exchange. NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA:

(1) That the State of Montana reaffirms its commitment to a stronger and deeper relationship with the people of Taiwan, in particular during this year, the 36th anniversary of the Montana-Taiwan sisterhood.

(2) That Montana supports the United States' achievements concerning the bilateral trade agreement with Taiwan.

(3) That in recognition of Taiwan's contribution to global public health security and a broad range of other issues, including humanitarian assistance, disaster relief, and empowerment of women, which includes hosting regular forums under the United States-Taiwan Global Cooperation and Training Framework, the State of Montana supports Taiwan's meaningful participation in international organizations.

(4) That the Secretary of State send copies of this resolution to the Montana Congressional Delegation, Governor Gianforte, Minister of Foreign Affairs Jaushieh Wu, and Director General Daniel Chen of the Taipei Economic and Cultural Office in Seattle.

Adopted March 24, 2021

SENATE JOINT RESOLUTION NO. 10

A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA URGING CONGRESS TO APPROPRIATE FUNDING UNDER THE ENERGY ACT OF 2020 FOR THE DEVELOPMENT OF CARBON CAPTURE TECHNOLOGIES AT THE COLSTRIP ELECTRIC GENERATING STATION IN ROSEBUD COUNTY, MONTANA.

WHEREAS, Units 3 and 4 of the Colstrip Electric Generating Station have been providing affordable and reliable power throughout the Pacific Northwest for more than 40 years and have decades of service life remaining; and

WHEREAS, the Colstrip Electric Generating Station provides employment to more than 250 high-wage employees; and

WHEREAS, the Rosebud Mine provides employment to nearly 300 high-wage employees, and provides inexpensive, low-sulfur coal to the Colstrip Electric Generating Station; and

WHEREAS, the Rosebud Mine contributes more than \$40 million in tax revenue to the State of Montana annually; and

WHEREAS, the Rosebud Mine contributes more than \$11 million in royalties to the federal government annually; and

WHEREAS, severance taxes from the Rosebud Mine have flowed into the Coal Severance Tax Trust Fund for decades and established a trust with a corpus of more than \$1 billion from which the interest has funded countless schools and local water, wastewater, and bridge projects; and

WHEREAS, Montana has abundant reserves of coal and our nation has more than 300 years of recoverable coal reserves and more than 30% of the country's proven reserves with an estimated value of more than \$30 trillion; and

WHEREAS, even with the rapid deployment of renewable energy sources, the United States Energy Information Administration estimates that coal will continue to account for nearly 15% of our national energy production in the coming decades; and

WHEREAS, utility customers and regulators are demanding reductions in our national energy carbon footprint; and

WHEREAS, global investment dollars are migrating away from oil, natural gas, and coal toward nonfossil fuel energy research and development; and

WHEREAS, complete removal of coal from the energy mix threatens Montana's utility rate stability and baseload dependability, which would require purchasing energy on the open market during times of high demand, and threatens power dependability during severe weather events; and

WHEREAS, lack of investment and early closure of Colstrip Units 3 and 4 is projected to result in the loss of more than 3,000 jobs, reduced collective income by Montana households of more than \$325 million, a reduction in state tax and nontax revenues on the order of \$80 million a year, a population loss of more than 7,000 people, and reduced economic activity across the state due to higher electricity prices, reduced interregional trade, and lower state government spending; and

WHEREAS, it is in the social and economic interest of the State of Montana to facilitate investment in Colstrip to provide stable and affordable power, to preserve the economy, and to reduce emissions; and

WHEREAS, coal remains an essential part of the fuel mix to balance intermittent renewable power, and Carbon Capture Utilization and Storage is the only technology able to achieve deep emission reductions for reliable baseload power; and

WHEREAS, power plants equipped with Carbon Capture Utilization and Storage have potential to act as anchor projects for the construction of shared infrastructure, including the creation of industrial carbon capture hubs and clusters, with large quantities of carbon dioxide enabling economies of scale for infrastructure development; and

WHEREAS, Carbon Capture Utilization and Storage reduces carbon dioxide emissions by more than 95%, with the reductions in emissions serving to benefit the health and welfare of Montana's citizens, while helping to preserve the natural environment and economy, and

WHEREAS, deployment strategies that shift the focus from large, stand-alone Carbon Capture Utilization and Storage facilities to the development of industrial "hubs" with shared carbon dioxide transport and storage infrastructure are opening up new investment opportunities; and

WHEREAS, development of Carbon Capture Utilization and Storage hubs and clusters will keep mines and power plants open, high-wage jobs preserved, and potentially attract hundreds of additional jobs in other industries that benefit from decarbonization and downstream carbon dioxide products.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA:

(1) That the 67th Senate and House of Representatives of Montana maintain standing support of the employees, businesses, and communities that contribute to Montana's energy economy and our national energy security.

(2) That the 67th Senate and House of Representatives of Montana will resist interference in the operation and maintenance of Montana's energy

infrastructure that unduly threatens the viability of the Rosebud Mine, Colstrip Electric Generating Station, and other coal mining operations in Montana that are essential to the thousands of employees, contractors, and vendors who rely on the continued operation of these facilities.

(3) That the 67th Senate and House of Representatives of Montana urge the United States Congress to commit funding from the Energy Act of 2020 to fund carbon capture research and development and implementation technologies, including commercial scale deployment, at the Colstrip Electric Generating Station in Rosebud County, Montana.

BE IT FURTHER RESOLVED, that the Secretary of State send copies of this resolution to the President of the United States, the Speaker of the United States House of Representatives, the Majority and Minority Leaders of the United States House of Representatives and the United States Senate, and to each member of the Montana Congressional Delegation.

Adopted April 14, 2021

SENATE JOINT RESOLUTION NO. 11

A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA ENCOURAGING LABELS THAT STATE "PRODUCT OF THE USA", "MADE IN THE USA", "US BEEF", OR "US PORK" ONLY BE ALLOWED ON BEEF AND PORK FROM CATTLE OR SWINE BORN, RAISED, AND PROCESSED IN THE UNITED STATES.

WHEREAS, products using the "Product of the USA" label must meet specific criteria that are currently outlined by the Federal Trade Commission; and

WHEREAS, foreign beef and pork are currently able to receive a United States Department of Agriculture inspection label, but the additional "Product of the USA" label deceives the consumer and harms the Montana rancher; and

WHEREAS, beef and pork should be treated with the same discretion as all other food and manufactured products to inform the consumer of the source of their food; and

WHEREAS, labeling provides important information, and a true "Product of the USA" label protects and helps the consumer to make good decisions about purchasing a high-quality product that supports American ranchers.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA:

That the United States Department of Agriculture be encouraged to allow only beef or pork from cattle or swine born, raised, and processed in the United States be labeled as "Product of the USA", "Made in the USA", "US Beef", or "US Pork".

BE IT FURTHER RESOLVED, that the Secretary of State send copies of this resolution to the United States Secretary of Agriculture and the Montana Congressional Delegation.

Adopted April 15, 2021

SENATE JOINT RESOLUTION NO. 13

A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA REQUESTING AN INTERIM STUDY ON PUBLIC CONTRACTS AND PREVAILING WAGE LAW.

WHEREAS, Montana's prevailing wage law applies to public works contracts exceeding \$25,000 entered into for construction or nonconstruction services by the state, a county, municipality, school district, or political subdivision; and

WHEREAS, the methods of establishing wage rates currently include wage surveys, special project rates, valid collective bargaining agreements, and wage rates determined by the federal government; and

WHEREAS, the existing intent, need, impacts, and criteria for establishing wage rates should be reevaluated in the interest of all stakeholders, including Montana's taxpayers, workforce, and statewide and local economies.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA:

That the Legislative Council be requested to designate an appropriate interim committee or statutory committee, pursuant to section 5-5-217, MCA, or direct sufficient staff resources to:

(1) review and examine practices related to prevailing wage and public works contract law, including:

(a) the current method used to establish prevailing wage rates, including travel, per diem, zone pay, and other rates;

(b) the use of, intent of, and methods for the determination of prevailing wages in other comparable states;

(c) the current responsibilities of the contracting agent, contractor, and subcontractor;

(d) the current methods for receiving and responding to wage complaints;

(e) the effects of prevailing wage laws on Montana's overall labor force earnings;

(f) prevailing wage laws' impacts on Montana's statewide and local economies;

(g) the effect of altering prevailing wage laws and public work contract law on Montana-based contractors' ability to secure public contracts;

(h) the role, if any, that prevailing wage laws play in maximizing Montana's public dollars throughout the Montana economy; and

(i) any other necessary prevailing wage or public works contract requirements; and

(2) allow the committee to make recommendations for statutory, rule, or other regulatory changes, if considered appropriate.

BE IT FURTHER RESOLVED, that if the study is assigned to staff, any findings or conclusions be presented to and reviewed by an appropriate committee designated by the Legislative Council.

BE IT FURTHER RESOLVED, that all aspects of the study, including presentation and review requirements, be concluded prior to September 15, 2022.

BE IT FURTHER RESOLVED, that the final results of the study, including any findings, conclusions, comments, or recommendations of the appropriate committee, be reported to the 68th Legislature.

Adopted April 21, 2021

SENATE JOINT RESOLUTION NO. 14

A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA REQUESTING AN INTERIM STUDY OF MONTANA'S PUBLICLY FUNDED MENTAL HEALTH SYSTEM; AND REQUIRING THAT THE FINAL RESULTS OF THE STUDY BE REPORTED TO THE 68TH LEGISLATURE.

WHEREAS, Montana's publicly funded mental health system experienced system-altering cutbacks when state revenues came in below anticipated levels in fiscal years 2017 and 2018; and

WHEREAS, the availability of community mental health crisis beds has changed; and

WHEREAS, people experiencing mental health crisis frequently come into contact with law enforcement, the justice system, and the facilities operated by the Montana Department of Public Health and Human Services; and

WHEREAS, all stakeholders have a strong interest in diverting people with mental health and substance abuse conditions from the criminal justice system; and

WHEREAS, military veterans in Montana are often treated in Montana's system of mental health crisis care before being transferred to appropriate Veterans Affairs facilities for treatment; and

WHEREAS, the expansion of the Medicaid program to cover adults without dependent children with an income at or below 138% of the federal poverty level has provided more than 90,000 Montanans with coverage of mental health and substance use treatment services; and

WHEREAS, community health clinics have been providing an increased amount of behavioral health care to treat not only mental health disorders but also substance use disorders; and

WHEREAS, the use of telehealth for mental health services has increased dramatically during the COVID-19 public health emergency; and

WHEREAS, the Montana Legislature has continued to make changes to the mental health system by adding peer support as a Medicaid-covered service, establishing a pilot project for mobile crisis response, and revising statutes related to community treatment facilities; and

WHEREAS, the federal Substance Abuse and Mental Health Services Administration has recently awarded grants for certified community behavioral health clinics in Montana and it is not clear what the long-term funding implications of that model will be; and

WHEREAS, the rapid pace and dramatic nature of changes in Montana's publicly funded mental health system in recent years warrant a close examination of the system by Montana policymakers.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA:

That the Legislative Council be requested to designate an appropriate interim committee or statutory committee, pursuant to section 5-5-217, MCA, to undertake a comprehensive review of the elements of Montana's publicly funded mental health system to determine:

(1) how the system has changed, including how funding reductions in recent years have affected services;

(2) whether and where gaps exist in the system;

(3) how the system diverts people from the criminal justice system;

(4) the adequacy of the state's system of higher education to appropriately train and educate clinicians necessary to meet the behavioral needs of Montanans; and

(5) whether the Legislature or the executive branch should address any gaps in services.

BE IT FURTHER RESOLVED, that the study include input from appropriate stakeholders, including but not limited to representatives of the Department of Public Health and Human Services, the Department of Corrections, the Department of Military Affairs, the United States Department of Veterans Affairs, hospitals, community mental health centers, federally

qualified community health centers, individual mental health providers, sheriffs, county attorneys, health insurance companies, clinical provider associations, and organizations that advocate for people with mental illness and substance use disorders.

BE IT FURTHER RESOLVED, that all aspects of the study, including presentation and review requirements, be concluded prior to September 15, 2022.

BE IT FURTHER RESOLVED, that the final results of the study, including any findings, conclusions, comments, or recommendations of the appropriate committee, be reported to the 68th Legislature.

Adopted April 26, 2021

SENATE JOINT RESOLUTION NO. 15

A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA APPROVING THE BITTERROOT VALLEY COMMUNITY COLLEGE DISTRICT.

WHEREAS, pursuant to 20-15-202, MCA, citizens in Ravalli County filed a petition with the Board of Regents requesting an organizational election to approve the organization of the Bitterroot Valley Community College District; and

WHEREAS, the petition met the requirements under 20-15-201 and 20-15-202, MCA, that the proposed community college district fall within preexisting, contiguous elementary school boundaries, have a taxable value of at least \$10 million, and have at least 700 pupils regularly enrolled in public and private high schools within the district and met the requirement that the petition be signed by at least 20% of the proposed district's registered voters; and

WHEREAS, on May 5, 2020, the registered voters of the proposed community college district approved the establishment of the proposed community college district with 59% of the vote and elected seven trustees; and

WHEREAS, under 20-15-209, MCA, following an affirmative vote by the registered electors of a proposed community college district, the authority to ultimately approve a new community college district lies solely with the Montana Legislature.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA:

That the Montana Legislature hereby approves the establishment of the Bitterroot Valley Community College District located in Ravalli County.

BE IT FURTHER RESOLVED, that the Secretary of State send copies of this resolution to the Board of Trustees of the Bitterroot Valley Community College District, to the Ravalli County Board of County Commissioners, and to the Board of Regents.

Adopted March 29, 2021

SENATE JOINT RESOLUTION NO. 16

A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA URGING PROMPT CONGRESSIONAL AND PRESIDENTIAL APPROVAL FOR THE KEYSTONE XL PIPELINE.

WHEREAS, the state of Montana, counties, and school districts will benefit substantially by an increase in the property tax base when the Keystone XL Pipeline is approved and completed; and

WHEREAS, the Certificate of Compliance granted by the Department of Environmental Quality in 2012 for the Keystone XL Pipeline states that “the Project will generate long-term property tax revenues for the counties traversed by the pipeline that will last for the life of the Project. The Project will generate approximately \$63 million in annual property tax revenues in Montana”; and

WHEREAS, the selected location of the pipeline through Montana and the conditions imposed by the Certificate of Compliance granted by the Department of Environmental Quality minimize adverse impacts on the environment, landowners, and affected communities; and

WHEREAS, significant infrastructure improvements, including powerlines and road and bridge improvements, will be built and paid for by TC Energy; and

WHEREAS, the destruction of private jobs and capital as a result of the executive order to halt the construction of the Keystone XL Pipeline is a taking based on the 5th and 14th Amendments to the United States Constitution; and

WHEREAS, given the shortage of power recently experienced in Eastern Montana and the central and southern plains, the state should encourage every source of power, including fossil fuels carried by the Keystone XL Pipeline; and

WHEREAS, Montana’s Congressional Delegation supports the approval of the pipeline; and

WHEREAS, Montana’s Governor Greg Gianforte supports approval of the pipeline.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA:

That the 67th Legislature urge prompt congressional and presidential approval for the Keystone XL Pipeline.

BE IT FURTHER RESOLVED, that the Secretary of State send copies of this resolution to the President of the United States, the Majority Leader of the United States Senate, the Speaker of the United States House of Representatives, and the Montana Congressional Delegation.

Adopted April 22, 2021

SENATE JOINT RESOLUTION NO. 17

A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA URGING CONGRESS TO ALLOW MONTANA TO ENACT YEAR-ROUND DAYLIGHT SAVING TIME.

WHEREAS, Montana observes daylight saving time from March until November, which comprises two-thirds of the year; and

WHEREAS, the United States Congress first adopted daylight saving time in 1918, although Congress soon changed its mind, and the concept was only locally observed until World War II; and

WHEREAS, preserving daylight saving time would allow us to maintain light deep into the summer evenings, which benefits tourism, businesses, and all Montanans; and

WHEREAS, the American Academy of Sleep Medicine stated in a 2020 report that “[a]n abundance of accumulated evidence indicates that the acute transition from standard time to daylight saving time incurs significant public

health and safety risks, including increased risk of adverse cardiovascular events, mood disorders, and motor vehicle crashes.”

WHEREAS, schools depend on light in the evenings for sports and other extracurricular events, which daylight saving time provides; and

WHEREAS, in 1966, the United States Congress passed the Uniform Time Act, which established time zones and dates of observance for daylight saving time; and

WHEREAS, the Uniform Time Act did permit states to stay on standard time and to not observe daylight saving time, but it did not permit states to stay on daylight saving time; and

WHEREAS, only the United States Congress through a public law or the federal Department of Transportation through a regulation may allow Montana to maintain year-round daylight saving time; and

WHEREAS, recently 13 states, including Idaho, Wyoming, Georgia, Louisiana, South Carolina, Utah, Arkansas, Delaware, Maine, Oregon, Tennessee, Washington, and Florida, have approved new laws providing for year-round daylight saving time if authorized by the United States Congress. NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA:

(1) That Montana should have the choice of adopting permanent daylight saving time.

(2) That the federal government should allow states to observe permanent daylight saving time through legislation in the United States Congress or the adoption of a regulation through the United States Department of Transportation.

(3) That the Secretary of State send a copy of this resolution to the President of the United States, the Majority Leader and the Minority Leader of the United States Senate, the Speaker and the Minority Leader of the United States House of Representatives, the United States Secretary of Transportation, and to each member of the Montana Congressional Delegation.

Adopted April 15, 2021

SENATE JOINT RESOLUTION NO. 18

A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA REQUESTING THAT MONTANA’S CONGRESSIONAL DELEGATION WORK TO RETURN MANAGEMENT OF MONTANA’S RECOVERED GRIZZLY BEAR POPULATIONS TO THE STATE OF MONTANA AND INITIATE FURTHER REVIEW OF MONTANA’S GRIZZLY BEAR POPULATIONS.

WHEREAS, the United States Congress authorized the Endangered Species Act of 1973; and

WHEREAS, the Endangered Species Act defined “endangered species” to mean “any species which is in danger of extinction throughout all or a significant portion of its range”; and

WHEREAS, the Endangered Species Act defined “threatened species” to mean “any species which is likely to become an endangered species within the foreseeable future throughout all or a significant portion of its range”; and

WHEREAS, the grizzly bear was designated as a “threatened species” in the conterminous United States under the Endangered Species Act on July 28, 1975; and

WHEREAS, the Endangered Species Act was amended by the United States Congress in 1978 so that the new definition of “species” included a “distinct population segment” that interbreeds; and

WHEREAS, in Senate Report 151 of the 96th United States Congress, the Congress instructed that the authority to designate distinct population segments be exercised “sparingly and only when the biological evidence indicates that such action is warranted”; and

WHEREAS, in 1993, the United States Fish and Wildlife Service revised the Grizzly Bear Recovery Plan, establishing six grizzly bear recovery zones, including the Greater Yellowstone Grizzly Bear Recovery Zone, the Northern Continental Divide Grizzly Bear Recovery Zone, the Cabinet-Yaak Grizzly Bear Recovery Zone, the Selkirk Grizzly Bear Recovery Zone, the Bitterroot (Mountains of Idaho and Montana) Recovery Zone, and the North Cascades (Mountains of Washington) Recovery Zone; and

WHEREAS, in 1996, the United States Fish and Wildlife Service and the National Marine Fisheries Service developed a policy to clarify the meaning of “distinct population segment”, and the clarification required a distinct population segment to exhibit “discreteness” relative to the remainder of the species and “significance” to the species to which it belongs; and

WHEREAS, for the purpose of the discrete population segment policy, the United States Fish and Wildlife Service and the National Marine Fisheries Service define “discreteness” as being separated from other populations of the same species by physical, physiological, ecological, or behavioral factors, or as being delimited by international governmental boundaries with significant differences in habitat management, conservation regulations, exploitation control, or regulatory mechanisms; and

WHEREAS, because of the genetic interchange between the Northern Continental Divide, Cabinet-Yaak, and Selkirk grizzly bear recovery zones, and because of the genetic interchange that occurs between grizzly bears crossing the border between the United States and Canada, these three recovery zones should be considered one large interbreeding distinct population segment; and

WHEREAS, delisting efforts for the Greater Yellowstone Grizzly Bear Recovery Zone have been ongoing for 13 years, and the grizzly bear population in the Northern Continental Divide Grizzly Bear Recovery Zone has reached recovery goals and should also be in an ongoing delisting process; and

WHEREAS, delays in the United States Fish and Wildlife Service delisting process create a significant loss of social tolerance among Montanans who are adversely impacted by the continued expansion of grizzly bears.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA:

That the Legislature supports the delisting of Montana’s grizzly bear populations from the Endangered Species Act and the return of Montana grizzly bears to state management.

BE IT FURTHER RESOLVED, that the Legislature call on the United States Fish and Wildlife Service to revise the 1993 Grizzly Bear Recovery Plan and reevaluate the Grizzly Bear Recovery Zone efficacy across all ranges.

BE IT FURTHER RESOLVED, that the Legislature requests that the United States Fish and Wildlife Service create a statewide distinct population segment that includes all of Montana’s grizzly bear recovery zones for the purpose of delisting the bear and returning its management to state control.

BE IT FURTHER RESOLVED, that the United States Fish and Wildlife Service develop a new management plan pursuant to section 4(d) of the Endangered Species Act that would aim to resolve conflicts between bears and

humans within the Northern Continental Divide Grizzly Bear Recovery Zone and other grizzly bear recovery zones.

BE IT FURTHER RESOLVED, that the Legislature call on Montana's Congressional Delegation, as part of its efforts to return management of Montana's grizzly bears to the state, to exempt the delisting of grizzly bear populations from judicial review.

BE IT FURTHER RESOLVED, that the Secretary of State send a copy of this resolution to the Secretary of the United States Department of the Interior, the Governor of the State of Montana, the Department of Fish, Wildlife, and Parks, the Secretaries of State for the States of Washington, Wyoming, and Idaho, and to each member of the Montana Congressional Delegation.

Adopted April 23, 2021

SENATE JOINT RESOLUTION NO. 19

A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA RECOGNIZING THE 75TH ANNIVERSARY OF THE END OF WORLD WAR II (1941 TO 1946) AND MONTANA'S VETERANS OF THAT WAR.

WHEREAS, Montana's 163rd Infantry Regiment, 41st Infantry Division, the Junglers, was called to active duty on September 16, 1940, for 1 year of training; and

WHEREAS, on the same day the Selective Training and Service Act of 1940 introduced the first peacetime conscription for men between the ages of 21 and 35 in United States history; and

WHEREAS, on March 11, 1941, United States President Franklin D. Roosevelt established the Lend Lease Act, allowing Britain, China, and other allied nations to purchase military equipment and to defer payment until after the war; and

WHEREAS, in August 1941, President Roosevelt signed an extension of service of 6 months for those Americans who had been called up in 1940; and

WHEREAS, on December 7, 1941, the United States came under attack by Japanese forces at Pearl Harbor and locations throughout the Pacific; and

WHEREAS, on December 8, 1941, the United States declared war on Japan; and

WHEREAS, on December 11, 1941, Germany and Italy declared war on the United States. The United States reciprocated and declared war on Germany and Italy; and

WHEREAS, the largest ever mobilization of American manpower continued, ultimately calling up over 15 million United States men and women to serve from 1941 to the end of hostilities in 1945; and

WHEREAS, over 75,000 Montanans ultimately were part of that force; and

WHEREAS, over 6,000 women from Montana volunteered to serve in the various military services and auxiliary services in World War II to include the Women's Army Auxiliary Corps, Women's Army Corps, Army Nurse Corps, United States Navy Reserve (women's reserve), Women Accepted for Volunteer Emergency Service, Women's Reserve of the Coast Guard, Women Airforce Service Pilots, Public Health Service, and the Cadet Nurse Corps; and

WHEREAS, many thousands of Native American men and women of Montana served in all major elements of the United States military during World War II with honor and great patriotism; and

WHEREAS, Montana Native Americans served as infantrymen, code talkers, air crewmen, nurses, and many other roles within the United States

Army, Army Air Corps, United States Marine Corps, United States Navy, and the United States Coast Guard; and

WHEREAS, the 163rd Infantry Regiment, (Montana National Guard), 41st Infantry Division served with distinction at Fort Lewis, Washington, and various locations on the west coast of the United States until its departure to Australia in April 1942 as part of the Southwest Pacific Command, going on to fight in the Pacific Theater of World War II; and

WHEREAS, Montana's 163rd Infantry Regiment, 41st Infantry Division (Jungleers) was recognized as the first United States unit to defeat the Imperial Japanese Forces in the Battle of Sanananda, Papua New Guinea, in January 1943, subsequently being recognized by the 28th Montana Legislative Assembly by resolution and by a famous painting by Irwin "Shorty" Shope in April 1943; and

WHEREAS, the 163rd Infantry Regiment served in the Pacific Theater in three major campaigns; the Papuan Campaign 1943, winning the battles at Sanananda, Gona, and Kumsi River; the New Guinea Campaign 1944, winning the battles of Aitape, Wadke, and "Bloody" Biak; the Southern Philippines Campaign 1945, winning battles at Zamboanga, Sanga-sanga Island, and the Battle of Jolo and the key village of Calinan against seasoned Japanese land forces, stopping only because of the cessation of hostilities due to the dropping of atomic weapons at Hiroshima and Nagasaki, and finally becoming an occupation force on the Japanese mainland; and

WHEREAS, the 163rd Infantry Regiment had over 230 members of Native Americans, representing eight tribal nations located in Montana, who fought with distinction as Jungleers; and

WHEREAS, the 163rd Infantry Regiment was demobilized in Japan on January 1, 1946, and sent home after over 5 years of active duty; and

WHEREAS, the First Special Service Force, a unique joint United States-Canadian special operations force, was secretly formed at Fort William Henry Harrison near Helena, Montana, in April through July 1942, to organize and train for conduct of the mission known as Operation Plough; and

WHEREAS, the First Special Service Force went on to serve in both the Pacific Theater and the European Theater, with battle credits of the Aleutians Campaign 1943, Naples-Foggia Campaign 1943 to 1944, Naples-Foggia Campaign (Monte la Difensa, Remetanea, Sammucro, Radicosa, Majo, and Vischhiataro), Anzio Rome-Arno Campaign 1944, and were recognized as being the first unit into Rome on June 4, 1944. After helping secure the Holy City they went on to participate in the Southern France Campaign and the Rhineland Campaign, being inactivated December 5, 1944, at Villeneuve-Leobet (Menton), France, without losing a battle and with battle casualties equivalent to 137% of its strength; and

WHEREAS, the First Special Service Force members went on to serve as the 474th Infantry Regiment in Norway through the end of the European Conflict as well as storied units such as the 45th Infantry Division, marching onto Berlin; and

WHEREAS, the Camp Rimini War Dog Reception and Training Center was established in late 1942. Located west of Helena at a former Civilian Conservation Corps site, where over 800 dogs and their handlers trained as part of the effort to disrupt the Axis power, unit members went on to acquit themselves in places along the Great Circle military air routes as search and rescue, providing specialized transport in the remote areas of the Northern Hemisphere such as Newfoundland, and in Europe during winter operations providing transport of war material to our American forces; and

WHEREAS, the Army Air Force organized and trained bomber forces throughout Montana at locations such as Great Falls, Lewistown, and Cut Bank from 1941 to 1945, training personnel in the use of heavy bombers, and were ultimately deployed to both the European and Pacific Theaters of war; and

WHEREAS, the 7th Ferrying Command, Air Transport Command, was formed at Great Falls (Gore Hill), now the Great Falls International Airport, and at East Base, Montana, now Malmstrom Air Force Base, and associated Army Air Corps bases to carry out the mission of providing aircraft and critical supplies to our allies over the Great Circle Route, a critical part of Global War Air Operations of World War II; and

WHEREAS, Fort Missoula became a World War II Italian detention camp after its Army garrison deployed to Alaska, housing Italian sailors who had been caught up in the war between 1942 and 1943, with the result being a well-disciplined and trustworthy population, some of whom went on to emigrate to the United States; and

WHEREAS, specialized units such as the Black, segregated 555th Parachute Battalion, known as the Triple Nickels, trained and served in Montana at Missoula fighting forest fires throughout Montana and the northwest; and

WHEREAS, the people of Montana overwhelmingly supported World War II efforts in many ways on the home front, providing food and other strategic supplies and minerals, meeting or exceeding the quotas for the eight War Bond Drives; and

WHEREAS, Montanans supported, fought, died, and were wounded in all theaters of World War II. As Joseph Howard Kinsey wrote in his text, "High, Wide, and Handsome", of the more than 15 million men and women in the United States Armed Forces during "World War II, Montana furnished 75,000" to the effort. "Proportionately this was near the top of all states. In World War II, as in World War I, Montanans were quick to enlist and they were healthy; the proportion rejected because of physical defect was smaller than the national average." Further, the "Montana death rate in World War II was only exceeded by that of New Mexico in proportion to population. Montana [also] had the record of oversubscribing first in eight World War II saving bond drives."

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA:

That the Legislature does hereby recognize our Montana World War II generation, veterans, and families, and all those who supported our nation's efforts to right a wrong and restore peace through strength from 1940 to 1946, expending time, talent, and sacrifice to include the ultimate sacrifice in support of freedom.

BE IT FURTHER RESOLVED, that the Legislature supports the Spirit of '45 originally declared in July 2010 by an act of the United States Congress, and the recognition of the year 2020 as the 75th Anniversary of the end of World War II with Victory Europe occurring on May 7, 1945, and Victory Japan occurring on August 15, 1945, with the surrender of Japanese forces and the signing of surrender documents on September 2, 1945, on the USS Missouri, and ultimately World War II officially closed on December 31, 1946.

BE IT FURTHER RESOLVED, that this date epitomizes the establishment and sustainment of one of Montana's most viable military veterans groups now identified as the Greatest Generation, and the Legislature declares 2021 a special recognition of the sacrifices of Montanans in World War II.

BE IT FURTHER RESOLVED, that the Secretary of State send a copy of this resolution to the Governor of Montana, the Department Commander

of the American Legion of Montana, the State Commander, the State Senior Vice Commander, the State Junior Vice Commander, and the State Adjutant/Quartermaster of the Veterans of Foreign Wars of Montana, the State Commander of the Disabled American Veterans of Montana, the Secretary of Veterans Affairs, each of the federally recognized tribal governments in Montana, and each member of the Montana Congressional Delegation.

Adopted April 13, 2021

SENATE JOINT RESOLUTION NO. 21

A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA SUPPORTING THE PAYMENT OF COMPENSATION TO MONTANA FOR LOSSES INCURRED AND BENEFITS REALIZED DOWNSTREAM DUE TO THE CONSTRUCTION OF LIBBY DAM AND OPPOSING THE RIGHT TO DIVERT 1,500,000 ACRE-FEET OF WATER FROM THE KOOTENAI RIVER TO THE COLUMBIA RIVER AT CANAL FLATS, BRITISH COLUMBIA.

WHEREAS, Libby Dam, located in Lincoln County, Montana, is the fourth dam constructed under the Columbia River Treaty, which the Canadian government and the United States government entered into in 1964, and is located on the Kootenai River, which is the third largest tributary to the Columbia River and contributes almost 20% of the stored water under the Columbia River Treaty; and

WHEREAS, Libby Dam was dedicated on August 24, 1975, and spans the Kootenai River 17 miles upstream from the town of Libby, Montana; and

WHEREAS, Lake Koocanusa, the reservoir behind Libby Dam, extends 90 miles north of the dam, with 48 miles of Lake Koocanusa located in Lincoln County and the remainder in British Columbia, Canada; and

WHEREAS, Libby Dam, in Montana's northwest corner, and three dams in Canada were constructed to protect downstream areas from flooding, and Libby Dam holds back an average of 5,800,000 acre-feet of water; and

WHEREAS, economic benefits have been derived from the storage of these floodwaters and the coordinated, timely release of those waters for generation of electricity, irrigation, navigation, and recreation; and

WHEREAS, the construction of Libby Dam placed many thousands of acres of land in Lincoln County under water, leading to decreased real property tax revenues for the county and a loss of timber sales and wildlife and fish habitat, among other losses; and

WHEREAS, storage of water behind Libby Dam provides flood protection to British Columbia and provides the opportunity for electricity to be generated throughout the year at seven hydropower generating facilities between Nelson and Castlegar, British Columbia, as well as at numerous other dams further down the Columbia River in Washington and Oregon; and

WHEREAS, the Canadian government was compensated for construction of the dams and storage of floodwaters through a sharing of electricity from additional power generated at downstream dams and hydropower generating facilities, leading to the formation of the Columbia Basin Trust; and

WHEREAS, citizens of Lincoln County and Montana did not participate in the negotiations for the terms of the Columbia River Treaty, and no compensation has been received by Lincoln County or Montana except for fish and game mitigation; and

WHEREAS, the renegotiation or modernization of the treaty is currently in process, and there is a possibility that compensation could be provided

to Lincoln County and Montana as a result of federal legislation, litigation, determination of regulations, and the renegotiation of the treaty; and

WHEREAS, in 2017, Libby Dam produced 2,557 million megawatts at a value of \$54 per megawatt for a total gross value of \$138 million at Libby Dam, although there is a production cost of \$4.16 per megawatt, leaving a net value of almost \$127 million; and

WHEREAS, British Columbia and Canada were granted the right to divert 1,500,000 acre-feet of water from the Kootenai River to the Columbia River at Canal Flats, British Columbia, before the Kootenai River flows into Montana; and

WHEREAS, this reduction of 1,500,000 acre-feet would amount to 26% of the Kootenai River flow into Montana and through Libby Dam; and

WHEREAS, such a diversion would create serious and devastating impacts to the ecology of Lake Koocanusa and the Kootenai River Basin and to the life within and the surrounding ecosystem, as well as a major loss in revenue to Bonneville Power Administration.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA:

That the state of Montana seeks compensation for the decreased real property tax revenues, the loss of timber, minerals, and real estate development, and other losses due to the construction of Libby Dam for all the same reasons that the province of British Columbia, Canada, is compensated.

BE IT FURTHER RESOLVED, that the 67th Montana Legislature, representing all citizens of Montana, requests that the right to divert water from the Kootenai River to the Columbia River at Canal Flats be removed in the modernization of the Columbia River treaty language.

BE IT FURTHER RESOLVED, that the Secretary of State send copies of this resolution to President Joe Biden, the Montana Congressional Delegation, the United States Secretaries of the Interior and Energy, the United States Army Corps of Engineers, Chief Negotiator Jill Smail at the United States Department of State, Kieran Connolly at the Bonneville Power Administration, Governor Greg Gianforte, and Mike Milburn and Doug Grob at the Northwest Power and Conservation Council.

Adopted April 12, 2021

SENATE JOINT RESOLUTION NO. 23

A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA REQUESTING AN INTERIM STUDY ON PUBLIC NOTICE PROVIDED ELECTRONICALLY; AND REQUIRING THAT THE FINAL RESULTS OF THE STUDY BE REPORTED TO THE 68TH LEGISLATURE.

WHEREAS, current public notice requirements vary by statute; and

WHEREAS, current public notice laws do not consider the promulgation, availability, and convenience of electronic publications; and

WHEREAS, current statutory law generally requires public notice by a local government to be in a daily or weekly newspaper published in the relevant county or municipality; and

WHEREAS, current statutory law generally requires public notice by a state government entity to be in a daily or weekly newspaper, often with local publication requirements; and

WHEREAS, electronic publications published in a worldwide internet forum pose policy questions about which publications are relevant, local, and widely available to populations affected by government actions; and

WHEREAS, because electronic publications can be updated in real time, these publications pose documentation challenges for a government entity attempting to prove appropriate public notice was given and for a publication contractually obligated to publish a document on a government entity's behalf. NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA:

That the Legislative Council be requested to designate an appropriate interim committee, pursuant to section 5-5-217, MCA, or direct sufficient staff resources to:

(1) review relevant electronic public notice proposals and statutory law of other states;

(2) examine documentation challenges for electronic publications attempting to prove the proper public notice was provided for the requisite amount of time without substantive content changes;

(3) review retention policies for digital records pertaining to public notice;

(4) consider standardization and consolidation of public notice requirements where appropriate;

(5) determine which publications are appropriate to promulgate public notice in the digital age; and

(6) consider statutory revisions to allow appropriate electronic publication for public notice purposes for state and local government entities.

BE IT FURTHER RESOLVED, that the study include input from appropriate stakeholders, including but not limited to daily and weekly newspapers, online publications with content produced within the state and targeted at local audiences, and the interested public.

BE IT FURTHER RESOLVED, that if the study is assigned to staff, any findings or conclusions be presented to and reviewed by an appropriate committee designated by the Legislative Council.

BE IT FURTHER RESOLVED, that all aspects of the study, including presentation and review requirements, be concluded prior to September 15, 2022.

BE IT FURTHER RESOLVED, that the final results of the study, including any findings, conclusions, comments, or recommendations of the appropriate committee, be reported to the 68th Legislature.

Adopted April 26, 2021

SENATE JOINT RESOLUTION NO. 26

A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA REQUESTING AN INTERIM STUDY OF THE ADEQUACY OF THE MONTANA WOMEN'S PRISON FACILITY AND PROGRAMS.

WHEREAS, the building currently used as the Montana Women's Prison was purchased by the Department of Corrections in 1994 and previously served as a psychiatric hospital before being converted to a prison facility; and

WHEREAS, the Montana Women's Prison's last major expansion occurred in 2003; and

WHEREAS, the Montana Women's Prison has 250 beds and houses approximately 225 felony inmates; and

WHEREAS, a significant number of the inmates held at the Montana Women's Prison are American Indian; and

WHEREAS, access to equal programming for educational opportunities and job training is not adequate or equal to the men's facilities; and

WHEREAS, the Montana Women's Prison has an aging inmate population and lacks a geriatric facility comparable to that for male inmates; and

WHEREAS, the Department of Corrections recently contracted for a Strategic Development Master Plan for department facilities, including facility analysis and recommendations for the Montana Women's Prison.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA:

That the Legislative Council be requested to designate an appropriate interim committee or statutory committee, pursuant to section 5-5-217, MCA, or direct sufficient staff resources to study the Montana Women's Prison facility and available programs. The study must examine:

(1) the adequacy of the prison facility to meet the living, programming, training, and educational needs of the inmate population;

(2) the adequacy of the facility to meet the unique needs of an aging population;

(3) the demographics of the inmate population, including the number of women of color, veterans, inmates who are parents, educational level, and crimes for which they were sentenced;

(4) available and needed workforce training programs, educational programs, and counseling and therapeutic resources, including those resources specific to survivors of sexual assault and violence and other Adverse Childhood Experience Score traumas and for the special and medical needs of women who are parents, veterans, and Indigenous or people of color;

(5) the adequacy of Prison Rape Elimination Act programming, training, and reporting procedures related to sexual assault in the prison;

(6) issues related to discharge and parole, reentry programs, diversion opportunities specific to women, and the number of women who reenter the corrections system through violations of community supervision terms or through conviction for a new crime; and

(7) the number of female youths in the custody of the Department of Corrections, including the nature of the residential placements and programs available for those female youths.

BE IT FURTHER RESOLVED, that the study involve the Department of Corrections, local government officials, community corrections contractors, victims services providers, families and friends of inmates or others involved in the correctional system, and other appropriate stakeholders identified by the interim committee.

BE IT FURTHER RESOLVED, that if the study is assigned to staff, any findings or conclusions be presented to and reviewed by an appropriate committee designated by the Legislative Council.

BE IT FURTHER RESOLVED, that all aspects of the study, including presentation and review requirements, be concluded prior to September 15, 2022.

BE IT FURTHER RESOLVED, that the final results of the study, including any findings, conclusions, comments, or recommendations of the appropriate committee, be reported to the 68th Legislature.

Adopted April 26, 2021

SENATE JOINT RESOLUTION NO. 28

A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA REQUESTING AN INTERIM STUDY OF EROSION ALONG THE FLATHEAD RIVER.

WHEREAS, the Flathead River originates in the MacDonald Range in southeastern British Columbia before flowing south to Montana and emptying first into Flathead Lake and eventually into the Clark Fork River; and

WHEREAS, the three forks of the Flathead River and other tributaries comprise the Flathead River basin watershed, which drains 8,587 square miles; and

WHEREAS, the Flathead River is important for the natural and economic life of the Flathead Valley; and

WHEREAS, economists estimate significant fiscal impacts associated with the Flathead River and Flathead Lake, including shoreline property values of \$6 billion to \$8 billion, nature-based tourism that comprises roughly 20% of the \$7.8 billion local economy, and ecological services, such as water supply and purification and flood and drought mitigation, that contribute more than \$20 billion in benefits to human society; and

WHEREAS, the lower Flathead River in Flathead County is bordered by private lands of agricultural, ecological, and economic importance; and

WHEREAS, the Flathead Lake Biological Station lists erosion as negatively impacting water quality on Flathead Lake; and

WHEREAS, the total maximum daily load report for Flathead Lake identifies suspended sediments, caused by streambank erosion, to be a major contributor to phosphorus and nitrogen loading of Flathead Lake; and

WHEREAS, the Flathead-Stillwater watershed restoration plan identifies streambank erosion as a major concern and calls for a significant reduction in streambank erosion; and

WHEREAS, many landowners and agricultural producers have recently reported substantial increases in streambank damage due to erosion; and

WHEREAS, recreational use of the Flathead River has increased, including boat use, which causes streambank erosion; and

WHEREAS, decreases in water quality have led federal and state agencies to classify Flathead Lake as “impaired” due to human-caused increases in nutrients and sediment, requiring a long-term plan for water quality protection; and

WHEREAS, excessive erosion to Flathead River streambanks endangers important agricultural lands, water resources, riparian vegetation, and aquatic systems.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA:

That the Legislative Council be requested to designate an appropriate interim committee or statutory committee, pursuant to section 5-5-217, MCA, or direct sufficient staff resources to review issues of erosion along the Flathead River, including:

(1) compiling existing data on the causes and impacts of erosion on the Flathead River;

(2) determining the impacts of recreational boat use to streambanks on the lower Flathead River and how to lessen those impacts; and

(3) examining information gaps and collecting additional data, as necessary.

BE IT FURTHER RESOLVED, that the assigned interim committee include the participation of stakeholders in this study process, including the Flathead Conservation District, Flathead River Commission, Flathead Basin

Commission, Department of Fish, Wildlife, and Parks, the Confederated Salish and Kootenai Tribes, the National Park Service or Glacier National Park, the cities and towns in the Flathead River basin, and at least two members of the public representing recreational and agricultural groups.

BE IT FURTHER RESOLVED, that if the study is assigned to staff, any findings or conclusions be presented to and reviewed by an appropriate committee designated by the Legislative Council.

BE IT FURTHER RESOLVED, that all aspects of the study, including presentation and review requirements, be concluded prior to September 15, 2022.

BE IT FURTHER RESOLVED, that the final results of the study, including any findings, conclusions, comments, or recommendations of the appropriate committee, be reported to the 68th Legislature.

Adopted April 27, 2021

SENATE JOINT RESOLUTION NO. 31

A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA REQUESTING AN INTERIM STUDY OF IMPLEMENTATION OF MONTANA'S RECREATIONAL MARIJUANA PROGRAM.

WHEREAS, a study of the control of the effects of Montana's new recreational marijuana program would allow the Legislature to review its impact on local and state government, addiction, possible efficiencies to jails and the Department of Corrections, the number of expungements processed for the judicial branch, and the related tax revenue; and

WHEREAS, Montana can review its roles in the number of states that are benefiting financially from taxation of well-regulated, controlled recreational marijuana and avoid the costs associated with an unregulated, uncontrolled black-market distribution of marijuana and the negative social implications of that black market; and

WHEREAS, the United States Congress has several bipartisan bills pending that may be enacted prior to the 2023 legislative session that may result in new marijuana banking laws, rescheduled or legalized marijuana nationwide, or both.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA:

That the Legislative Council be requested to designate an appropriate interim committee or statutory committee, pursuant to section 5-5-217, MCA, or direct sufficient staff resources to:

- (1) evaluate the state's current marijuana program;
- (2) review the effects that legalization of recreational marijuana has had on Montana, including but not limited to the effects on:
 - (a) state and local government tax collections; and
 - (b) recidivism, addiction, and expungements;
- (3) monitor changes in federal policy that could affect recreational marijuana laws in the states; and
- (4) evaluate the potential benefits and drawbacks of continuing the medical marijuana system in Montana.

BE IT FURTHER RESOLVED, that the study include representatives of the Department of Agriculture, the Department of Justice, the Department of Revenue, the Office of State Public Defender, the Department of Corrections, federal and local law enforcement agencies, Indian tribes, the district court

system, schools, and state or local groups that work on topics related to the decriminalization and legalization of marijuana.

BE IT FURTHER RESOLVED, that all aspects of the study, including presentation and review requirements, be concluded prior to September 15, 2022.

BE IT FURTHER RESOLVED, that the final results of the study, including any findings, conclusions, comments, or recommendations of the appropriate committee, be reported to the 68th Legislature.

Adopted April 27, 2021

SENATE JOINT RESOLUTION NO. 33

A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA REQUESTING AN INTERIM STUDY TO EXAMINE FUTURE ELECTRIC GRID CAPACITY REQUIREMENTS, GRID TECHNOLOGIES, AND THE ROLES OF REGULATORY, PRIVATE-SECTOR, AND STATE GOVERNMENT ENTITIES IN THE FUTURE OF THE GRID; AND REQUIRING THE FINAL RESULTS OF THE STUDY BE REPORTED TO THE 68TH LEGISLATURE.

WHEREAS, economic and technological forces are rapidly transforming the supply and demand of electricity on the Montana grid; and

WHEREAS, similar forces are transforming regional electricity markets; and

WHEREAS, the health, resilience, and stability of the state and regional grid is significantly dependent on the timely access to sources of locally generated firm electricity and cost-competitive power contracted on the open market; and

WHEREAS, peak-shaving energy efficiency initiatives, grid-connected energy storage, and future participation in a Regional Transmission Organization are among other strategies for reducing in-state capacity requirements; and

WHEREAS, policymakers, business leaders, ratepayers, and taxpayers are among the stakeholders who seek an optimal path to a flexible, robust, resilient, and stable electric grid.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA:

That the Legislative Council be requested to designate an appropriate interim committee or statutory committee, pursuant to section 5-5-217, MCA, or direct sufficient staff resources to study:

(1) the future capacity requirements of our state energy grid, including but not limited to the role and contribution of regional markets to that state requirement;

(2) the expected in-state technological sources of that generation capacity, considering delivered price, environmental stewardship, flexibility, and cost benefit;

(3) the impact of future electricity loads that may drive future capacity requirements, including electric transportation and increased electric water and space heating;

(4) the contributions of nongeneration technologies to achieve a more efficient, lower-peak grid, including but not limited to utility-scale energy efficiency, demand side management, storage, and advanced meters; and

(5) the role of the private sector, regulated utilities, and state government in the development of the future grid.

BE IT FURTHER RESOLVED, that if the study is assigned to staff, any findings or conclusions be presented to and reviewed by an appropriate committee designated by the Legislative Council.

BE IT FURTHER RESOLVED, that all aspects of the study, including presentation and review requirements, be concluded prior to September 15, 2022.

BE IT FURTHER RESOLVED, that the final results of the study, including any findings, conclusions, comments, or recommendations of the appropriate committee, be reported to the 68th Legislature.

Adopted April 28, 2021

SENATE JOINT RESOLUTION NO. 35

A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA REQUESTING AN INTERIM STUDY OF PROCUREMENT PRACTICES BY THE DEPARTMENT OF PUBLIC HEALTH AND HUMAN SERVICES; AND REQUIRING THAT THE RESULTS OF THE STUDY BE REPORTED TO THE 68TH LEGISLATURE.

WHEREAS, the Montana Procurement Act has several beneficial purposes, including ensuring fair and equitable treatment of all persons who deal with the procurement system in the State of Montana, providing increased economy in state procurement activities, maximizing the purchasing value of public funds, and providing for increased public confidence in the procedures followed by the state in procuring services; and

WHEREAS, the Montana Department of Public Health and Human Services frequently deviates from and does not follow the Montana Procurement Act in procuring services from vendors; and

WHEREAS, the last two financial compliance audits conducted on the Department of Public Health and Human Services by the Legislative Auditor's Office found that the agency failed to follow the Montana Procurement Act during the 2017 and 2019 bienniums; and

WHEREAS, the audits found that the Department of Public Health and Human Services regularly failed to enter into contracts for chemical dependency evaluations, support services, one-on-one youth supervision, and urinary analyses for youth in the foster care program; and

WHEREAS, the Department of Public Health and Human Services has attempted to justify its procurement practices with several different explanations, including that the act interferes with federal procurement policies and constrains the Department of Public Health and Human Services from finding vendors in emergency situations; and

WHEREAS, the audits found that some vendors who were not required to follow the Montana Procurement Act received more than \$500,000 from the Department of Public Health and Human Services, including one vendor who received nearly \$900,000.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA:

That the Legislative Council be requested to designate an appropriate interim committee or statutory committee, pursuant to section 5-5-217, MCA, to study the procurement practices of the Department of Public Health and Human Services.

BE IT FURTHER RESOLVED, that the study:

(1) identify the circumstances under which the Department of Public Health and Human Services deviates from the Montana Procurement Act and how frequently those circumstances occur;

(2) identify the policies and procedures that the agency uses when determining whether it must follow the standard procurement practices or how it otherwise determines whether to seek bids or proposals for services;

(3) review the statutes and administrative rules related to state agency procurement, including the federal laws and regulations governing public assistance programs, the procurement procedures for federally funded programs administered by the Department of Public Health and Human Services, and the state statutes and administrative rules specific to the provision of human services;

(4) determine whether practical obstacles, including the emergency needs of clients served by the agency, affect the department's procurement procedures; and

(5) obtain an accounting of the amount of money the department has paid to vendors who were selected outside of the standard procurement process.

BE IT FURTHER RESOLVED, that the study include input from appropriate stakeholders.

BE IT FURTHER RESOLVED, that all aspects of the study, including presentation and review requirements, be concluded prior to September 15, 2022.

BE IT FURTHER RESOLVED, that the final results of the study, including any findings, conclusions, comments, or recommendations of the appropriate committee, be reported to the 68th Legislature.

Adopted April 27, 2021

Senate Resolutions**SENATE RESOLUTION NO. 1**

A RESOLUTION OF THE SENATE OF THE STATE OF MONTANA
ADOPTING THE SENATE RULES.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE STATE
OF MONTANA:

That the following Senate Rules be adopted:

RULES OF THE MONTANA**SENATE****CHAPTER 1****Administration**

S10-10. Officers of the Senate. The officers of the Senate include a president, a president pro tempore, a majority leader, a minority leader, and majority and minority whips.

S10-20. Term of officers. The term of office for the officers and employees of the Senate established by rule is until the succeeding Legislature is organized. This rule may not be construed to mean the staff will be full-time employees during an interim.

S10-30. President, President pro tempore, and other officers. (1) The Senate shall, at the beginning of each regular session, and at other times as may be necessary, elect a Senator as President and a Senator as President pro tempore.

(2) The Senate shall choose its other officers and is the judge of the elections, returns, and qualifications of the Senators.

S10-40. Voting by presiding officer. Any Senator, when acting as presiding officer of the Senate, shall vote as any other Senator.

S10-50. Presiding officer and duties. (1) The presiding officer of the Senate is the President of the Senate, who must be chosen in accordance with law.

(2) The President shall take the chair on every legislative day at the hour to which the Senate adjourned at the last sitting.

(3) The President may name a Senator to perform the duties of the President when the President pro tempore is not present in the Senate chamber. The Senator who is named is vested during that time with all the powers of the President.

(4) The President has general control over the assignment of rooms for the Senate and shall preserve order and decorum. The President may order the galleries and lobbies cleared in case of disturbance or disorderly conduct.

(5) The President shall sign or electronically authenticate all necessary certifications of the Senate, including enrolled bills and resolutions, journals, subpoenas, and payrolls. The President's signature or electronic authentication must be attested by the Secretary of the Senate.

(6) The President shall approve the calendar for each legislative day.

(7) The President is the chief administrative officer of the Senate, with authority for the general supervision of all Senate employees. The President may seek the advice and counsel of the Legislative Administration Committee.

(8) The President of the Senate is the authorized approving authority of the Senate during the term of election to that office.

(9) The President shall refer bills to committee upon introduction or reception in the office of the Secretary of the Senate.

S10-60. Succession. (1) In case of the absence or disqualification of the President, the President pro tempore of the Senate shall perform the duties of the President until the vacancy is filled or the disability removed.

(2) Whenever the President pro tempore of the Senate is of the opposite political party from that of the President, the following procedure applies:

(a) If the President dies while in office, the members of the Senate have the right to immediately nominate and elect an acting President of the same party.

(b) If the President is absent for 2 or more legislative days or at any time after the 85th legislative day or at any time during special session of the Legislature and wants to appoint an acting President during the President's absence, the President may do so, or the members of the Senate have the right to immediately nominate and elect an acting President of the President's caucus.

(c) An acting President of the Senate has the powers of the President and supersedes the powers of the President pro tempore.

S10-70. President-elect. The President-elect nominated by the appropriate party caucus has the responsibility and authority to assume the duties of President of the Senate.

S10-80. Legislative Administration Committee duties. (1) The Legislative Administration Committee shall consider matters relating to legislative administration, staffing patterns, budgets, equipment, operations, and expenditures.

(2) The committee has authority to act in the interim to prepare for future legislative sessions.

(3) The committee shall approve contracts for purchase or lease of equipment and supplies for the Senate, subject to the approval of the President.

(4) The committee shall consider disputes or complaints involving the competency or decorum of legislative employees referred to it by the President and recommend dismissal, suspension, or retention of employees.

(5) The chair of the Legislative Administration Committee may, upon approval of the President, have purchase orders and requisitions prepared and forwarded to the accounting office in the Legislative Services Division.

S10-90. Majority Leader. The primary functions of the majority leader usually relate to floor duties. The duties of the majority leader may include but are not limited to:

(1) being the lead speaker for the majority party during floor debates;

(2) helping the President develop the calendar;

(3) assisting the President with program development, policy formation, and policy decisions;

(4) presiding over the majority caucus meetings; and

(5) other duties as assigned by the caucus.

S10-100. Majority Whip. The duties of the majority whip may include but are not limited to:

(1) assisting the majority leader;

(2) ensuring member attendance;

(3) counting votes;

(4) generally communicating the majority position; and

(5) other duties as assigned by the caucus.

S10-110. Minority Leader. The minority leader is the principal leader of the minority caucus. The duties of the minority leader may include but are not limited to:

(1) developing the minority position;

(2) negotiating with the majority party;

(3) directing minority caucus activities on the chamber floor;

- (4) leading debate for the minority; and
- (5) other duties as assigned by the caucus.

S10-120. Minority Whip. The major responsibilities for the minority whip may include but are not limited to:

- (1) assisting the minority leader on the floor;
- (2) counting votes;
- (3) ensuring attendance of minority party members; and
- (4) other duties as assigned by the caucus.

S10-130. Senate employees. (1) In addition to the employees appointed by the President, the Senate shall employ staff recommended by the leadership and the Legislative Administration Committee as necessary to perform the functions of the Senate.

(2) The Secretary of the Senate shall designate a secretary to take and prepare written minutes of committee meetings for each standing committee. A committee secretary is immediately responsible to the chair, but shall work under the overall direction of the Secretary of the Senate, subject to authority of the committee chair.

(3) The President, majority leader, and minority leader may each appoint a private secretary.

S10-140. Secretary of the Senate and duties. The Secretary of the Senate works under the direction of the President. The responsibilities of the Secretary of the Senate include:

- (1) performing the duties prescribed by law or other provisions of these rules;
- (2) serving as parliamentary advisor to the Senate;
- (3) compiling and maintaining the calendar for approval by the President;
- (4) keeping the leadership informed on the progress and workload of the Senate;
- (5) transmitting bills with appropriate messages to the House of Representatives as instructed by action of the Senate;
- (6) keeping and maintaining records of the Senate; and
- (7) supervision of the Senate employees, except as otherwise provided.

S10-150. Sergeant-at-Arms duties. Under the direction of the President, the Sergeant-at-Arms shall:

- (1) maintain order as directed by the President or chair of the Committee of the Whole;
- (2) enforce the lobbying rules of the Senate;
- (3) supervise the employees assigned to the Sergeant's office;
- (4) receive, distribute, and maintain supplies, equipment, and other inventory of the Senate, along with records of purchase and disposal in accordance with law;
- (5) perform duties as required by other rules and the Senate.

S10-160. Legislative aides. Each Senator may designate one person of legal age to serve as an aide during the session. Exceptions to this policy may be approved by the Rules Committee. The Senator shall register an aide with the Secretary of the Senate and arrange for the purchase of a name tag with the Sergeant-at-Arms.

S10-170. Senate journal. (1) The Senate shall keep and authenticate a journal of its proceedings as required by law and the rules.

(2) The Secretary of the Senate will supervise the preparation of the journal by the journal clerks trained by the Legislative Services Division under the direction of the President.

(3) In addition to the proceedings required by law to be recorded, the journal must include:

- (a) committee reports;
 - (b) every motion, the name of the Senator presenting it, and its disposition;
 - (c) the introduction of legislation in the Senate;
 - (d) consideration of legislation subsequent to introduction;
 - (e) roll call votes;
 - (f) messages from the Governor and the House of Representatives;
 - (g) every amendment, the name of the Senator presenting it, and its disposition;
 - (h) the names of Senators and their votes on any question upon a request by two Senators before a vote is taken; and
 - (i) any other records the Senate directs by rule or action.
- (4) The Secretary of the Senate shall provide information that may be necessary for the preparation of the daily journal for printing by the Legislative Services Division. Upon approval by the President, the daily journal must be reproduced and made available.
- (5) Any Senator may examine the daily journal and propose corrections. Without objection by the Senate, the President may direct the correction to be made.
- (6) The President shall authenticate the original daily journal, from time to time, and the Secretary of the Senate shall, as appropriate, deliver it to the Legislative Services Division to be prepared for publication and distribution in accordance with law.

CHAPTER 2

Decorum

S20-10. Questions of order – appeal. The President of the Senate shall decide all questions of order, subject to an appeal by any Senator seconded by two other Senators. A Senator may not speak more than once on an appeal without the consent of a majority of the Senate.

S20-20. Violation of rules – call to order – appeal. (1) If a Senator, in speaking or otherwise, violates the rules of the Senate, the President shall, or the majority leader or minority floor leader may, call the Senator to order, in which case the Senator called to order must be seated immediately.

(2) The Senator called to order may move for an appeal to the Senate, and if the motion is seconded by two Senators, the matter must be submitted to the Senate for determination by majority vote. The motion is nondebatable.

(3) If the decision of the Senate is in favor of the Senator called to order, the Senator may proceed. If the decision is against the Senator, the Senator may not proceed.

(4) If a Senator is called to order, the matter may be referred to the Rules Committee by the minority or majority leader. The Committee may recommend to the Senate that the Senator be censured or be subject to other action. Censure consists of an official public reprimand of a Senator for inappropriate behavior. The Senate shall act upon the recommendation of the Committee.

S20-30. Questions of privilege – restrictions. (1) Questions of privilege in order of precedence are those:

(a) affecting the collective rights, safety, dignity, or integrity of the proceedings of the Senate; and

(b) affecting the rights, reputation, or conduct of individual Senators in their capacity as Senators.

(2) A Senator may not address the Senate on a question of privilege between the time:

- (a) an undebatable motion is offered and the vote is taken on the motion;

(b) the previous question is ordered and the vote is taken on the proposition included under the previous question; or

(c) a motion to lay on the table is offered and the vote is taken on the motion.

S20-40. Recognition by chair. A Senator desiring to speak shall indicate to the presiding officer and, once being recognized, shall speak. When two or more Senators indicate a desire to speak at the same time, the presiding officer shall determine the order of the speakers.

S20-50. Floor privileges. (1) When the Senate is in session no person is permitted in the chambers except:

(a) legislators;

(b) legislative officers and employees whose presence is necessary for the conduct of business of the session;

(c) registered representatives of the media; and

(d) former legislators (not currently registered as lobbyists).

(2) The President may make exceptions for visiting dignitaries.

(3) Beginning 1 hour before and ending one-half hour after adjournment, no person is permitted in the chambers except those authorized as exceptions under subsection (1) or (2).

S20-60. Communications to Senate. A communication to the Senate must be addressed to the President and must bear the name of the person submitting it. The President shall decide if the communication bears including in the calendar.

S20-70. Distribution of materials on floor – exception. (1) Subject to subsection (2), material may not be distributed on the Senators' desks in the chamber unless the material bears the signature of the bearer and a Senator and has been approved by the President.

(2) Subsection (1) does not apply to material written by staff at the request of a Senator and placed on the Senator's desk.

CHAPTER 3

Committees

S30-10. Committee appointments. (1) There is a Committee on Committees consisting of six members. If the Senate is evenly divided between parties, the committee shall consist of six Senators, three from the majority party and three from the minority party.

(2) The Committee on Committees shall, with the approval of the Senate, appoint the members of Senate standing committees, select committees, and joint committees. Prior to making committee assignments, the Committee on Committees shall take into consideration the recommendations of the minority leader for minority committee assignments.

(3) The minority leader shall designate the ranking minority member for each standing committee.

(4) The President of the Senate shall appoint all conference committees and special committees, with the advice of the majority leader and minority leader.

(5) The Senate may change the membership of any committee on 1 day's notice.

S30-20. Standing committees – classification. (1) The standing committees of the Senate are as follows:

(a) class one committees:

(i) Business, Labor, and Economic Affairs;

(ii) Finance and Claims;

(iii) Judiciary; and

(iv) Taxation;

(b) class two committees:

- (i) Education and Cultural Resources;
- (ii) Local Government;
- (iii) Natural Resources;
- (iv) Public Health, Welfare, and Safety; and
- (v) State Administration;
- (c) class three committees:
 - (i) Agriculture, Livestock, and Irrigation;
 - (ii) Energy and Telecommunications;
 - (iii) Fish and Game; and
 - (iv) Highways and Transportation; and
- (d) on-call committees:
 - (i) Ethics;
 - (ii) Legislative Administration; and
 - (iii) Rules.

(2) A class 1 committee is scheduled to meet Monday through Friday. A class 2 committee is scheduled to meet Monday, Wednesday, and Friday. A class 3 committee is scheduled to meet Tuesday and Thursday. Unless a class is prescribed for a committee, it meets upon the call of the chair.

(3) The Legislative Council shall review the workload of the standing committees to determine if any change is indicated in the class of a standing committee for the next legislative session. The Legislative Council's recommendations must be submitted to the leadership nominated or elected at the pre-session caucus.

S30-40. Ex officio members – quorum. (1) A quorum of a committee is a majority of the members of the committee. A quorum of a committee must be physically or remotely present at a meeting to act officially. A quorum of a committee may transact business, and a majority of the quorum, even though it is a minority of the committee, is sufficient for committee action.

(2) The majority leader and the minority leader are ex officio nonvoting members of all committees in order to establish a quorum. As ex officio nonvoting members of a committee, the majority leader and minority leader have the privileges of a committee member pursuant to S30-70(13)(a), (13)(c), and (13)(d).

S30-50. Chair's duties. (1) The chair of a committee is the presiding officer of that committee and is responsible for:

- (a) maintaining order within the committee room and its environs;
- (b) scheduling hearings and executive action;
- (c) supervising committee work, including the appointment of subcommittees to act on a formal or informal basis; and
- (d) authenticating committee reports by signing them and submitting them promptly to the Secretary of the Senate. The chair shall sign business reports reflecting action taken in each committee meeting that enable the preparation of committee minutes. The minutes must be printed on archival paper.

(2) The Secretary of the Senate shall arrange to have the minutes copied in an electronic format. An electronic copy will be provided to the Legislative Services Division and the State Law Library of Montana. The archival paper copy must be delivered to the Montana Historical Society.

S30-60. Meetings – notice – purpose – minutes. (1) All meetings of committees must be open to the public at all times, subject always to the power and authority of the chair to maintain safety, order, and decorum. The date, time, and place of committee meetings must be announced.

(2) Notice of a committee hearing must be made by posting the date, time, and subject of the hearing online and in a conspicuous public place not less than

3 legislative days in advance of the hearing. This 3-day notice requirement does not apply to hearings scheduled:

- (a) prior to the third legislative day;
- (b) less than 10 legislative days before the transmittal deadline applicable to the subject of the hearing;
- (c) to consider confirmation of a gubernatorial appointment received less than 10 legislative days before the last scheduled day of a legislative session; or
- (d) due to appropriate circumstances.

(3) When a committee hearing is scheduled with less than 3 days' notice, the committee chair shall use all practical means to disseminate notice of the hearing to the public.

(4) Notice of conference committee hearings must be given as provided in Joint Rule 30-30.

(5) A committee or subcommittee may be assembled for:

- (a) a public hearing at which testimony is to be heard and at which official action may be taken on bills, resolutions, or other matters;
- (b) a formal meeting at which the committees may discuss and take official action on bills, resolutions, or other matters without testimony; or
- (c) a work session at which the committee may discuss bills, resolutions, or other matters but take no formal action.

(6) All committees meet at the call of the chair or upon the request of a majority of the members of the committee.

(7) A committee may not meet during the time the Senate is in session without leave of the President. Any Senator attending a meeting while the Senate is in session must be considered excused to attend business of the Senate subject to a call of the Senate.

(8) All meetings of committees must be recorded and the minutes must be available to the public within a reasonable time after the meeting. The official record must contain at least the following information:

- (a) the time and place of each meeting of the committee;
- (b) committee members physically or remotely present, excused, or absent;
- (c) the names and addresses of persons appearing before the committee, whom each represents, and whether the person is a proponent, opponent, or other witness;
- (d) all motions and their disposition;
- (e) the results of all votes; and
- (f) all testimony and exhibits.

(9) If a bill is heard in a joint committee, it must be referred to a standing committee. The standing committee is not required to hold an additional hearing but shall take executive action and may report the bill to the Committee of the Whole.

(10) A bill or resolution may not be considered or become a law unless referred to a committee and returned from a committee.

(11) A bill may be rereferred at any time before its passage.

S30-70. Procedures – member privileges. (1) The chair shall notify the sponsor of any bill pending before the committee of the time and place it will be considered.

(2) A standing or select committee may not hear legislation unless the sponsor or one of the cosponsors is physically or remotely present or unless the sponsor has given written consent.

(3) (a) Subject to subsection (3)(b), the committee shall act on each bill in its possession:

- (i) by reporting the bill out of the committee:

- (A) with the recommendation that it be referred to another committee;
- (B) favorably as to passage; or
- (C) unfavorably; or
- (ii) by tabling the measure in committee.

(b) At the written request of the sponsor made at least 48 hours prior to a scheduled hearing, a committee shall finally dispose of a bill without a hearing. Except as provided in S30-60(9), a bill may not be reported from a committee without a hearing.

(4) The committee may not report a bill to the Senate without recommendation.

(5) In reporting a measure out of committee, a committee shall include in its report:

- (a) the measure in the form reported out;
- (b) the recommendation of the committee;
- (c) an identification of all proposed changes; and
- (d) a fiscal note, if required.

(6) If a measure is taken from a committee and brought to the Senate floor for debate on second reading on that day without a committee recommendation, the bill does not include amendments formally adopted by the committee because committee amendments are merely recommendations to the Senate that are formally adopted when the committee report is accepted by the Senate.

(7) A second to any motion offered in a committee is not required in order for the motion to be considered by the committee.

(8) The vote of each member on all committee actions must be recorded and reported in the committee minutes. All motions may be adopted only on the affirmative vote of a majority of the members voting.

(9) A motion to take a bill from the table may be adopted by the affirmative vote of a majority of the members physically or remotely present at any meeting of the committee.

(10) An action formally taken by a committee may not be altered in the committee except by reconsideration and further formal action of the committee.

(11) A committee may reconsider any action as long as the matter remains in the possession of the committee. A bill is in the possession of the committee until a report on the bill is made to the Committee of the Whole. A committee member need not have voted with the prevailing side in order to move reconsideration.

(12) The chair shall decide points of order.

(13) The privileges of committee members, present physically or remotely, include the following:

- (a) to participate freely in committee discussions and debate;
- (b) to offer motions;
- (c) to assert points of order and privilege;
- (d) to question witnesses upon recognition by the chair;
- (e) to offer any amendment to any bill; and
- (f) to vote, either by being present or by proxy, using a standard form.

(14) Any meeting of a committee held through the use of telephone or other electronic communication must be conducted in accordance with Chapter 3 of the Senate Rules.

(15) A committee may consolidate into one bill any two or more related bills referred to it whenever legislation may be simplified by the consolidation.

(16) Committee procedure must be informal, but when any questions arise on committee procedure, the rules or practices of the Senate are applicable except as stated in the Senate Rules.

S30-80. Public testimony -- decorum -- time restrictions. (1) Testimony from proponents, opponents, and informational witnesses must be allowed on every bill or resolution before a standing or select committee. All persons, other than the sponsor, offering testimony shall register on the committee witness list or by electronic means.

(2) (a) Any person wishing to offer testimony to a committee hearing a bill or resolution must be given a reasonable opportunity to do so, orally or in writing, subject to time constraints. Written testimony may not be required of any witness, but all witnesses may submit a statement in writing for the committee's official record.

(b) A person who is an employee of the state or a political subdivision of the state that is offering testimony on behalf of the state or political subdivision shall state in the person's oral or written testimony the specific entity or state officeholder that they are representing.

(3) The chair may order actions to maintain order in the committee meeting. During committee meetings, visitors may not speak unless called upon by the chair. Restrictions on time available for testimony may be announced.

(4) The number of people in a committee room may not exceed the maximum posted by the State Fire Marshall. The chair shall maintain that limit.

(5) In any committee meeting, the use of cameras, television, radio, or any form of telecommunication equipment is allowed, but the chair may designate the areas of the hearing room from which the equipment must be operated. Cell phone use is at the discretion of the chair.

S30-100. Pairs prohibited -- absentee or proxy voting. Pairs in standing committee are prohibited. Standing and select committees may by a majority vote of the committee authorize Senators to vote in absentia. Authorization for absentee or proxy voting must be reflected in the committee minutes.

S30-140. Reconsideration in committee. A committee may at any time prior to submitting a report to the Secretary of the Senate reconsider its previous action on legislation.

S30-150. Committee requested legislation. (1) (a) Except as provided in subsection (1)(b), at least three-fourths of all the members of a standing committee must have voted in favor of the question to allow the committee to request the drafting and introduction of legislation.

(b) The Finance and Claims Committee may request the drafting and introduction of legislation by a majority vote of all of the members of the committee.

(2) The chair of a committee shall introduce, or shall designate a member of the committee to introduce, legislation requested by the committee. The introduced bill must be referred to the requesting committee.

S30-160. Ethics Committee. (1) The Ethics Committee shall meet only upon the call of the chair after the referral of an issue from the Rules Committee or the Legislator Conduct Panel or to consider a request for a determination pursuant to subsection (4). The Rules Committee may be convened to consider the referral of a matter to the Ethics Committee upon the request of a Senator. The Rules Committee shall prepare a written statement of the specific question or issue to be addressed by the Ethics Committee. Except for a referral from the Legislative Conduct Panel, the issues referred to the Ethics Committee must be related to the actions of a Senator during a legislative session.

(2) The matters that may be referred to the Ethics Committee are:

(a) a violation of:

(i) 2-2-103;

(ii) 2-2-104;

- (iii) 2-2-111;
- (iv) 2-2-112; or
- (v) Joint Rule 10-85;

(b) the use or threatened use of a Senator's position for personal or personal business benefit or advantage; or

(c) any other violation of law by a Senator while acting in the capacity of Senator.

(3) If there is a recommendation from the Ethics Committee, the recommendation is made to the Senate.

(4) A Senator may seek a determination from the Ethics Committee concerning the possibility of a personal conflict of interest.

CHAPTER 4

Legislation

S40-10. Types of legislation. The only types of legislation that may be introduced in the Senate are those that have been drafted and approved by the Legislative Services Division and signed by a Senator as chief sponsor. The types of legislation allowed include:

(1) bills of any subject, except appropriations;

(2) joint resolutions, which may be used for any purpose specified in Joint Rule 40-60; and

(3) simple resolutions, which may:

(a) adopt or amend Senate rules;

(b) provide for the internal affairs of the Senate;

(c) express confirmation of the Governor's appointments; or

(d) make recommendations concerning the districting and apportionment plan as provided by Article V, section 14(4), of the Montana Constitution.

S40-20. Introduction – first reading. (1) Upon receiving a bill or resolution from a Senator, the Secretary of the Senate shall assign an appropriate sequential number, which constitutes introduction of the legislation. Legislation properly introduced or received in the Senate must be announced across the rostrum and public notice provided. This announcement constitutes first reading, and no debate or motion is in order except that a Senator may question adherence to rules. Acknowledgment by the Secretary of the Senate of receipt of legislation transmitted from the House commences the time limit for consideration of the legislation. All legislation received by the Senate may be referred to a committee prior to being read across the rostrum.

(2) Bills and resolutions preintroduced as provided in Joint Rule 40-40 may be assigned to committee, posted online, and printed prior to the legislative session. The Legislative Services Division is responsible for ensuring the preintroduction intent from each Senator and presenting the preintroduced legislation to the Secretary of the Senate.

(3) Upon referral to committee, the Secretary of the Senate shall publicly post a listing of the bill or resolution by a summary of its title, together with a notation of the committee to which it has been assigned.

(4) The sponsor may ask the Legislative Services Division to change or correct a short title used on the bill status system.

S40-30. Cosponsors and additional sponsors. (1) Prior to submitting legislation to the Secretary of the Senate for introduction, the chief sponsor may add representatives and senators as cosponsors. A legislator shall sign the cosponsor form attached to the legislation in order to be added as a cosponsor.

(2) After legislation is submitted for introduction, sponsors may be added on motion of the chief sponsor at any time prior to a standing committee report

on the bill or resolution. Forms for adding sponsors will be supplied on request by the Secretary of the Senate.

(3) Upon passage of the motion, the names of the additional sponsors will be printed in the journal and the form containing the signatures of the additional sponsors will be forwarded to the Legislative Services Division with the original bill for the inclusion of the names in subsequent printings of the bill or resolution.

S40-40. Reading limitations. (1) Every bill must be read three times prior to passage, either by title or by summary of title as provided in these rules.

(2) A bill or resolution may not have more than one reading on the same day except the last legislative day.

(3) An amendment may not be offered on third reading.

S40-60. Scheduling for second reading. (1) All bills and resolutions that have been reported by a committee or withdrawn from a committee by motion, accepted by the Senate, and posted online and reproduced must be scheduled for consideration by Committee of the Whole.

(2) Until the 50th legislative day, 1 day must elapse between receiving the legislation from printing and scheduling for second reading for consideration by Committee of the Whole unless a posted or printed version of an unamended bill is available.

(3) The majority leader shall arrange legislation on the agenda in the order in which the bills will be considered, unless otherwise ordered by the Senate or Committee of the Whole.

CHAPTER 5

Floor Action

S50-10. Attendance -- mandatory voting -- quorum. (1) Unless excused, Senators must be physically or remotely present every sitting of the Senate and shall vote on questions put before the Senate.

(2) A majority of the Senate shall constitute a quorum to do business, but a smaller number may adjourn from day to day and compel the attendance of absent Senators, in the manner and under penalties as the Senate may prescribe (Montana Constitution, Art. V, sec. 10(2)).

S50-20. Orders of business. After prayer, roll call, and report on the journal, the order of business of the Senate is as follows:

- (1) communications and petitions;
- (2) reports of standing committees;
- (3) reports of select committees;
- (4) messages from the Governor;
- (5) messages from the House of Representatives;
- (6) first reading and commitment of bills;
- (7) second reading of bills (Committee of the Whole);
- (8) third reading of bills;
- (9) motions;
- (10) unfinished business;
- (11) special orders of the day; and
- (12) announcement of committee meetings.

To revert to or pass to a new order of business requires only a majority vote. Unless otherwise specified in the motion to recess, the Senate shall revert to Order of Business No. 1 when reconvening after a recess.

S50-30. Limitations on debate. A Senator may not speak more than twice on any one motion or question without unanimous consent of the Senate, unless the Senator has introduced or proposed the motion or question under debate, in which case the Senator may speak twice and also close the debate.

However, a Senator who has spoken may not speak again on the same motion or question to the exclusion of a Senator who has not spoken.

S50-40. Procedure upon offering a motion. (1) When a motion is offered it must be restated by the presiding officer. If requested by the presiding officer or a Senator, it must be reduced to writing, presented at the rostrum, and read aloud by the Secretary.

(2) A motion may be withdrawn by the Senator offering it at any time before it is amended or voted upon.

S50-50. Precedence of motions. (1) When a question is under debate only the following privileged and subsidiary motions may be made:

- (a) to adjourn (nondebatable S50-60);
- (b) for a call of the Senate (nondebatable S50-60);
- (c) to recess (nondebatable S50-60);
- (d) question of privilege;
- (e) to lay on the table (nondebatable S50-60);
- (f) for the previous question (nondebatable S50-60);
- (g) to postpone to a certain day;
- (h) to refer or commit;
- (i) to amend; and
- (j) to postpone indefinitely.

(2) The motions listed in subsection (1) have precedence in the order listed.

(3) A question may be indefinitely postponed by a majority roll call of all Senators physically or remotely present and voting. When a bill or resolution is postponed indefinitely, it is finally rejected and may not be acted upon again except upon a motion of reconsideration as provided in S50-90.

(4) A motion or proposition on a subject different from that under consideration may not be accepted unless a substitute motion is in order.

S50-60. Nondebatable motions. The following motions are not debatable:

- (1) to adjourn;
- (2) for a call of the Senate;
- (3) to recess or rise;
- (4) for parliamentary inquiry;
- (5) for suspension of the rules;
- (6) to lay on the table;
- (7) for the previous question;
- (8) to limit, extend the limits of, or to close debate;
- (9) to amend an undebatable motion;
- (10) to change a vote (S50-200);
- (11) to pass business in Committee of the Whole;
- (12) to take from the table;
- (13) a decision of the presiding officer, unless appealed or unless the presiding officer submits the question to the Senate for advice or decision; and
- (14) all incidental motions, such as motions relating to voting or other questions of a general procedural nature.

S50-70. Amending motions – restrictions. (1) Subject to subsection (2), no more than one amendment and no more than one substitute motion may be made to a motion. This rule permits the main motion and two modifying motions.

(2) A motion for a call of the Senate, for the previous question, to table, or to take from the table may not be amended.

S50-80. Previous question. (1) Except as provided in subsection (2), the effect of calling for the previous question, if adopted, is to close debate immediately, to prevent the offering of amendments or other subsidiary motions, and to bring to vote promptly the immediately pending main question

and the adhering subsidiary motions, whether on appeal or otherwise. The motion for the previous question is nondebatable as provided in S50-60(7).

(2) When the previous question is ordered on any debatable question on which there has been no debate, the question may be debated for one-half hour, one-half of that time to be given to the proponents and one-half to the opponents. The sponsor of the main motion on which the previous question is adopted may close on the motion regardless of whether debate on the main motion has occurred.

(3) A call of the Senate is not in order after the previous question is ordered unless it appears upon an actual count by the presiding officer that a quorum is not physically and remotely present.

S50-90. Reconsideration – time restrictions. (1) Subject to subsection (6), any Senator may, on the day the vote was taken or on the next day the Senate is in session, move to reconsider the question. A motion to reconsider is a debatable motion, but the debate is limited to the motion. The debate on a motion to reconsider may not address the substance of the matter for which reconsideration is sought. However, an inquiry may be made concerning the purpose of the motion to reconsider.

(2) A motion to reconsider must be disposed of when made unless a proper substitute motion is made and adopted.

(3) A motion to recall a bill from the House of Representatives constitutes notice to reconsider and must be acted on as a motion to reconsider. A motion to reconsider or to recall a bill from the House of Representatives may be made only under Order of Business No. 9 and, under that order of business, takes precedence over all motions except motions to recess or adjourn.

(4) When a motion to reconsider is laid on the table, a two-thirds majority is required to take it from the table. When a motion to reconsider fails, the question is finally and conclusively settled.

(5) If a motion to reconsider third reading action is carried, there may not be further action until the succeeding legislative day.

(6) If the Senate has adjourned for more than 2 days, then a motion to reconsider action taken on the last day the Senate was in session is in order on the day the Senate reconvenes or on the following legislative day.

S50-95. Rereferral. (1) Legislation that is in the possession of the Senate and that has been reported from a committee with a do pass or be concurred in recommendation may be rereferred to a Senate committee by a majority vote.

(2) (a) With the consent of the majority leader, the minority leader, and the bill sponsor, legislation that has passed second reading, has been rereferred to the Finance and Claims Committee pursuant to subsection (1), and is reported from committee without amendments may be placed on third reading.

(b) The third-reading agenda must specify that the legislation rereferred and reported from committee under subsection (2)(a) was rereferred to the Senate Finance and Claims Committee and reported from the committee without amendments as passed on second reading.

S50-100. Dividing a question – segregation excluded. A Senator may request to divide a question if it includes two or more propositions so distinct in substance that if one thing is taken away a substantive question will remain. A vote is not required on a request to divide a question, but the chair may rule that a question is not divisible. The ruling of the chair may be appealed as provided in S20-10 and S20-20. For an appeal of a ruling of the presiding officer, the question for the Senate must be stated as, "Shall the ruling of the chair be upheld?". A motion to segregate pursuant to S50-140(4) is not a request to divide a question.

S50-110. Rules for questions or bills requiring other than a majority vote. (1) Except as provided in subsection (2), if a question or bill requires more than a majority vote for final passage, a majority vote is sufficient to decide any question relating to the question or bill prior to third reading.

(2) Any vote in the Senate on a bill proposing an amendment to the Montana Constitution under circumstances in which there exists the mathematical possibility of obtaining the necessary two-thirds vote of the Legislature will cause the bill to progress as though it had received the majority vote. This rule does not prevent a committee from indefinitely postponing or tabling a bill proposing an amendment to the Montana Constitution.

(3) If a bill has been amended in the House of Representatives and the amendments are accepted by the Senate, the bill must again be placed on third reading in the Senate to determine if the required number of votes has been cast.

S50-120. Committee reports to Senate – reconsideration. (1) Reports of standing committees must be read on Order of Business No. 2, and, if there is no objection to form, are considered adopted. Subject to subsection (4), debate may not be had on any report.

(2) On an adverse committee report, the sponsor may respond to the chair of the committee making the report.

(3) Any Senator seeking a reconsideration of the Senate's action on the adoption of a committee report shall do so on Order of Business No. 9 by motion to reconsider as provided in S50-90. Any Senator may make the reconsideration motion and need not have voted on the prevailing side. This rule applies notwithstanding any joint rule to the contrary. Subject to S50-90(6), the reconsideration motion must be made within 1 legislative day of the adoption of the committee report and is not in order if the bill has been considered in Committee of the Whole.

(4) (a) Subject to subsection (4)(b), the Rules Committee and conference committees may report at any time, except during a call of the Senate, when a vote is being taken, or during Committee of the Whole.

(b) The Rules Committee may report during Committee of the Whole on matters referred to the Committee by the Committee of the Whole.

S50-130. Conference committee – reports. (1) When a conference committee report is filed with the Secretary of the Senate, the report must be read under Order of Business No. 3, select committees, and placed on the calendar the succeeding legislative day for consideration on second reading. If recommended favorably by the Committee of the Whole, it may be considered on third reading the same legislative day.

(2) If both the Senate and the House of Representatives adopt the same conference committee report on legislation requiring more than a majority vote for final passage, the Senate, following approval of the conference committee report on third reading, shall place the final form of the legislation on third reading to determine if the required vote is obtained.

(3) If the Senate rejects a conference committee report, the committee continues to exist unless dissolved by the President or by motion. The committee may file a subsequent report.

(4) A Senate conference committee may confer regarding matters assigned to it with any House conference committee with like jurisdiction and submit recommendations for consideration of the Senate.

S50-140. Second reading – Committee of the Whole report – segregation – rejection. (1) The Senate may resolve itself into a Committee of the Whole for consideration of business on second reading, by approval of a motion for that purpose.

(2) After a Committee of the Whole has been formed, the President shall appoint a chair to preside.

(3) All legislation considered in the Committee of the Whole must be read by a summary of its title. The sponsor shall make an opening statement, proposed amendments must be considered, and then the bill must be considered in its entirety.

(4) Prior to adoption of the Committee of the Whole report, a Senator may move to segregate legislation. If the motion prevails, the legislation remains on second reading.

(5) When a Committee of the Whole report on legislation is rejected, the legislation remains on second reading.

S50-150. Committee of the Whole amendments. (1) All Committee of the Whole amendments must be prepared by the staff of the Legislative Services Division, stipulating the date and time of preparation and staff approval, and delivered to the Secretary of the Senate for reading before the amendment is voted on.

(2) Each amendment, rejected or adopted, must be printed in the journal, along with the name of the sponsor and the vote on each.

S50-160. Motions in Committee of the Whole. (1) All proper motions on second reading are debatable unless specified in S50-60.

(2) The only motions in order during Committee of the Whole are to:

(a) recommend passage or nonpassage;
(b) recommend concurrence or nonconcurrence (House amendments to Senate legislation);

(c) amend;

(d) indefinitely postpone;

(e) pass consideration;

(f) change the order in which legislation is placed on the agenda (nondebatable S50-60(14));

(g) rise (nondebatable S50-60(3));

(h) rise and report progress and ask leave to sit again (nondebatable S50-60(3)); or

(i) rise and report (nondebatable S50-60(3)).

(3) The motions listed in subsection (2) may be made in descending order as listed.

S50-170. Committee of the Whole -- generally. (1) The Committee of the Whole may not appoint subcommittees.

(2) The Committee of the Whole may not punish its members for misconduct, but may report disorder to the Senate.

S50-180. Voting on second reading -- positive disposition of motions.

(1) On Order of Business No. 7, in addition to other methods, a recorded vote may be made in the following manner: the chair may call for a voice vote to accept or reject a question. If the vote is other than unanimous, the chair may ask that the lesser number on the question indicate their vote by an approved method of counting votes. The Secretary will then record the vote. The chair may then rule that unless excused those of the greater number and physically or remotely present have voted on the prevailing side of the question and that their vote be recorded as voting on the prevailing side. If there was a unanimous voice vote, all those physically or remotely present will be recorded as having voted for the question.

(2) A motion on second reading must be disposed of by a positive vote.

S50-190. Third reading procedure. (1) Unless rereferred to a committee by a majority vote after the adoption of the Committee of the Whole report but before adjournment for the day, all legislation passing second reading must be

placed on third reading the day following the receipt of the engrossing or other appropriate printing report.

(2) On Order of Business No. 8 the Secretary shall read the title and the President shall state the question as follows: "Senate bill number (or other appropriate identification)..... having been read three several times, the question is, shall the bill (or other appropriate identification) pass the Senate?"

(3) If an electronic voting system is used, the President shall state "Those in favor vote yes and those opposed vote no" and the Secretary will sound the signal and open the board for voting. After a reasonable pause the presiding officer asks "Has every member voted?" (reasonable pause), "Does any member wish to change his or her vote?" (reasonable pause), "The Secretary will record the vote."

S50-200. Senate voting – changing a vote – objection. (1) A roll call vote must be taken on the request of two Senators, if the request occurs before the vote is taken.

(2) On a roll call vote the names of the Senators must be called alphabetically, unless an electronic voting system is used. A Senator may not vote after the decision is announced from the chair. A Senator may not explain a vote until after the decision is announced from the chair.

(3) A Senator may move to change the Senator's vote, on any recorded vote, within 1 legislative day of the vote. The Senator making the motion shall first specify the bill number, the date of the vote, and the original vote tally. A vote may not be changed if it would affect the outcome of legislation. The motion is nondebatable. If none of the Senators physically or remotely present object, the change must be entered into the journal.

(4) If any Senator objects to the request in subsection (3), the Senator making the request may move to suspend the rules to allow the Senator to change the Senator's vote.

(5) An error caused by a malfunction of the voting system may be corrected without a vote within 10 minutes of the malfunction.

S50-220. Call of the Senate without a quorum. (1) In the absence of a quorum, a majority of Senators physically and remotely present may compel the attendance of absent Senators by ordering a call of the Senate. A call of the Senate is not in order if a majority of Senators are physically and remotely present.

(2) On a call of the Senate, a Senator who refuses to attend may be arrested by the Sergeant-at-Arms or any other person, as the majority of the Senators present direct. When the attendance of an absent Senator is secured and the Senate refuses to excuse the Senator's absence, the Senator may not be paid any expense payments while absent and is liable for the expenses incurred in procuring the Senator's attendance.

(3) During a call of the Senate, all business must be suspended. After a call has been ordered, no motion is in order except a motion to adjourn or remove the call. When a quorum has been achieved under the call, the call is automatically lifted. The call may be removed by a two-thirds vote of the members physically or remotely present.

S50-230. House amendments to Senate legislation. (1) When the House has properly returned Senate legislation with House amendments, the Senate shall announce the amendments on Order of Business No. 5 and the President shall place them on second reading for debate. The President may rerefer Senate legislation with House amendments to a committee for a hearing if the House amendments constitute a significant change in the Senate legislation. The second reading vote is limited to consideration of the House amendments.

(2) If the Senate accepts House amendments, the Senate shall place the final form of the legislation on third reading to determine if the legislation, as amended, is passed or if the required vote is obtained.

(3) If the Senate rejects the House amendments, the Senate may request the House to recede from its amendments or may direct appointment of a conference committee and request the House to appoint a like committee.

S50-240. Governor's amendments. (1) When the Governor returns a bill with recommended amendments, the Senate shall announce the amendments under Order of Business No. 4.

(2) The Senate may debate and adopt or reject the Governor's recommended amendments on second reading on any legislative day.

(3) If both the Senate and the House of Representatives accept the Governor's recommended amendments on a bill that requires more than a majority vote for final passage, the Senate shall place the final form of the legislation on third reading to determine if the required vote is obtained.

S50-250. Governor's veto. (1) When the Governor returns a bill with a veto, the Senate shall announce the veto under Order of Business No. 4.

(2) On any legislative day, a Senator may move to override the Governor's veto by a two-thirds vote under Order of Business No. 9.

CHAPTER 6

Rules

S60-10. Senate rules – amendment – adoption – suspension. (1) A motion to amend or adopt a rule of the Senate must be referred to the Rules Committee without debate. A rule of the Senate may be amended or adopted only with the concurrence of a majority of the Senate and after 1 day's notice.

(2) A rule may be suspended temporarily by a three-fifths vote.

S60-20. Mason's Manual of Legislative Procedure. The most recent publication of Mason's Manual of Legislative Procedure governs the proceedings of the Senate in all cases not covered by these rules.

S60-30. Joint rules superseded. A Senate rule, insofar as it relates to the internal proceedings of the Senate, supersedes a joint rule.

CHAPTER 7

Nominations from the Governor

S70-10. Nominations. (1) The Governor shall nominate and, by and with the consent of the Senate, appoint all officers whose offices are established by the Montana Constitution or which may be created by law and for whom appointment or election is not otherwise provided.

(2) If during a recess of the Senate a vacancy occurs in any office subject to Senate confirmation, the Governor shall appoint some fit person to discharge the duties of the office until the next meeting of the Senate, when the Governor shall nominate a person to fill the office.

S70-20. Receiving nominations – requesting bill drafts. (1) Nominations received from the Governor must be:

- (a) received by the President;
- (b) delivered to the Secretary of the Senate; and
- (c) read under Order of Business No. 4, messages from the Governor.

(2) The Secretary shall distribute a copy of the list of nominations to each Senator.

(3) (a) The President of the Senate shall submit a bill draft request for a resolution for each nominee or each group of nominees read under Order of Business No. 4. These bill draft requests will not count against any bill draft request limit imposed on the President of the Senate.

(b) Prior to introduction of the resolution, the President of the Senate shall designate the appropriate committee chair or other member of the Senate to introduce the simple resolution.

S70-30. Committee process -- separate consideration. (1) (a) The committee shall research each nominee and may request biographical information from the Governor for each nominee if none has been provided.

(b) When the resolution has been prepared and introduced, the committee shall hold a hearing on the resolution after appropriate public notice has been given.

(2) (a) Except as provided in subsection (2)(b), following the hearings for a group of nominees, the committee shall issue standing committee reports to be considered on second reading, stating the committee's recommendations concerning the nominees.

(b) Following the hearings for the group of nominees, if a committee member wishes to have an individual nominee or group of nominees considered by the Senate separately from the group of nominees being considered by the committee, the committee member may prepare an amendment for executive action to strike or add a nominee or group of nominees. If a nominee or a group of nominees is stricken, the committee member that offered the amendment shall make a motion to request a committee resolution for the nominee or nominees to be considered by a separate resolution. A simple majority of the committee is sufficient in order to request a separate committee resolution.

(3) Within the Committee of the Whole, if a Senator wishes to have an individual nominee or group of nominees considered by the Senate separately from the group of nominees recommended by the committee, the Senator may prepare a floor amendment to strike or add a nominee or group of nominees. If a nominee or a group of nominees is stricken, a Senator may make a motion to request that the President of the Senate submit a bill draft request for that the nominee or nominees to be considered by a separate resolution.

(4) When the resolution for an individual or group nomination has been prepared and introduced, the committee shall take executive action on the resolution. When a hearing on the separated nomination was held prior to the committee's standing committee report, an additional hearing is not required to be held before the committee takes action on the separate resolution. After the committee's executive action, the committee chair shall issue a standing committee report.

(5) The Secretary will read the reports under Order of Business No. 2, reports of standing committees.

(6) After the report has been read, the resolution must be placed on Order of Business No. 7 the next legislative day for consideration by the Senate. Motions to approve or disapprove of the resolution are in order and may be debated. Approval upon second reading constitutes confirmation of the Governor's nominee. A motion to reconsider the approval or disapproval of a nomination made on second reading must occur within one legislative day. A motion to reconsider may not be made if the resolution approving a confirmation is no longer in the possession of the Senate.

Appendix A

List of Questions Requiring Other Than a Majority Vote

The following questions require the vote specified:

(1) a motion to lift a call of the Senate pursuant to S50-220(3) (two-thirds of the members physically or remotely present);

(2) a motion to suspend rules pursuant to S60-10 (three-fifths);

(3) a motion to override the Governor's veto pursuant to S50-250 and Article VI, section 10(3), of the Montana Constitution (two-thirds);

(4) a motion to approve a bill to appropriate the principal of the coal trust fund pursuant to Article IX, section 5, of the Montana Constitution (three-fourths of each house);

(5) a motion to approve a bill to appropriate highway revenue as described in Article VIII, section 6, of the Montana Constitution for purposes other than those described in that section (three-fifths of each house);

(6) a motion to approve a bill proposing to amend the Montana Constitution pursuant to Article XIV, section 8, of the Montana Constitution (two-thirds of the entire Legislature);

(7) an appeal of the ruling of the presiding officer pursuant to S20-10 (one Senator, seconded by two other Senators);

(8) a motion to approve a bill conferring immunity from suit as described in Article II, section 18, of the Montana Constitution (two-thirds);

(9) a motion to approve a bill to appropriate the principal of the tobacco settlement trust fund pursuant to Article XII, section 4, of the Montana Constitution (two-thirds); and

(10) a motion to appropriate the principal of the noxious weed management trust fund pursuant to Article IX, section 6, of the Montana Constitution (three-fourths)

Adopted January 13, 2021

SENATE RESOLUTION NO. 3

A RESOLUTION OF THE SENATE OF THE STATE OF MONTANA CONCURRING IN, CONFIRMING, AND CONSENTING TO THE APPOINTMENT OF THE DIRECTOR OF THE DEPARTMENT OF LABOR AND INDUSTRY MADE BY THE GOVERNOR AND SUBMITTED BY WRITTEN COMMUNICATION DATED JANUARY 5, 2021, TO THE SENATE.

WHEREAS, the Governor of the State of Montana has made the appointment, below designated, that has been submitted to the Senate by the Governor pursuant to section 5-5-302, MCA:

As Director of the Department of Labor and Industry, in accordance with sections 2-15-111 and 2-15-1701, MCA:

Laurie Esau, Missoula, Montana, appointed to serve a term at the pleasure of the Governor.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE STATE OF MONTANA:

That the Senate of the Regular Session of the 67th Legislature of the State of Montana does hereby concur in, confirm, and consent to the above appointment and that the Secretary of the Senate immediately deliver a copy of this resolution to the Secretary of State and to the Governor pursuant to section 5-5-303, MCA.

Adopted January 25, 2021

SENATE RESOLUTION NO. 4

A RESOLUTION OF THE SENATE OF THE STATE OF MONTANA CONCURRING IN, CONFIRMING, AND CONSENTING TO THE APPOINTMENT OF THE DIRECTOR OF THE DEPARTMENT OF ENVIRONMENTAL QUALITY MADE BY THE GOVERNOR AND SUBMITTED BY WRITTEN COMMUNICATION DATED JANUARY 5, 2021, TO THE SENATE.

WHEREAS, the Governor of the State of Montana has made the appointment, below designated, that has been submitted to the Senate by the Governor pursuant to section 5-5-302, MCA:

As Director of the Department of Environmental Quality, in accordance with sections 2-15-111 and 2-15-3501, MCA:

Christopher Dorrington, Helena, Montana, appointed to serve a term at the pleasure of the Governor.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE STATE OF MONTANA:

That the Senate of the Regular Session of the 67th Legislature of the State of Montana does hereby concur in, confirm, and consent to the above appointment and that the Secretary of the Senate immediately deliver a copy of this resolution to the Secretary of State and to the Governor pursuant to section 5-5-303, MCA.

Adopted January 28, 2021

SENATE RESOLUTION NO. 5

A RESOLUTION OF THE SENATE OF THE STATE OF MONTANA CONCURRING IN, CONFIRMING AND CONSENTING TO THE APPOINTMENT OF THE DIRECTOR OF THE DEPARTMENT OF TRANSPORTATION MADE BY THE GOVERNOR AND SUBMITTED BY WRITTEN COMMUNICATION DATED JANUARY 5, 2021, TO THE SENATE.

WHEREAS, the Governor of the State of Montana has made the appointment, below designated, that has been submitted to the Senate by the Governor pursuant to section 5-5-302, MCA:

As Director of the Department of Transportation, in accordance with sections 2-15-111 and 2-15-2501, MCA:

Malcolm D. Long, Billings, Montana, appointed to serve a term at the pleasure of the Governor.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE STATE OF MONTANA:

That the Senate of the Regular Session of the 67th Legislature of the State of Montana does hereby concur in, confirm, and consent to the above appointment and that the Secretary of the Senate immediately deliver a copy of this resolution to the Secretary of State and to the Governor pursuant to section 5-5-303, MCA.

Adopted January 29, 2021

SENATE RESOLUTION NO. 6

A RESOLUTION OF THE SENATE OF THE STATE OF MONTANA CONCURRING IN, CONFIRMING, AND CONSENTING TO THE APPOINTMENT TO THE STATE TAX APPEAL BOARD MADE BY THE GOVERNOR AND SUBMITTED BY WRITTEN COMMUNICATION DATED JANUARY 12, 2021, TO THE SENATE.

WHEREAS, the Governor of the State of Montana has made the appointment, below designated, that has been submitted to the Senate by the Governor pursuant to section 5-5-302, MCA:

As a member of the State Tax Appeal Board, in accordance with section 15-2-101, MCA:

Amie Zendron, Helena, Montana, appointed to a term ending December 31, 2026.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE STATE OF MONTANA:

That the Senate of the Regular Session of the 67th Legislature of the State of Montana does hereby concur in, confirm, and consent to the above appointment and that the Secretary of the Senate immediately deliver a copy of this resolution to the Secretary of State and to the Governor pursuant to section 5-5-303, MCA.

Adopted February 1, 2021

SENATE RESOLUTION NO. 8

A RESOLUTION OF THE SENATE OF THE STATE OF MONTANA CONCURRING IN, CONFIRMING, AND CONSENTING TO THE APPOINTMENT OF THE DIRECTOR OF THE DEPARTMENT OF REVENUE MADE BY THE GOVERNOR AND SUBMITTED BY WRITTEN COMMUNICATION DATED JANUARY 5, 2021, TO THE SENATE.

WHEREAS, the Governor of the State of Montana has made the appointment, below designated, that has been submitted to the Senate by the Governor pursuant to section 5-5-302, MCA:

As Director of the Department of Revenue, in accordance with sections 2-15-111 and 2-15-1302, MCA:

Brendan Beatty, Helena, Montana, appointed to serve a term at the pleasure of the Governor.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE STATE OF MONTANA:

That the Senate of the Regular Session of the 67th Legislature of the State of Montana does hereby concur in, confirm, and consent to the above appointment and that the Secretary of the Senate immediately deliver a copy of this resolution to the Secretary of State and to the Governor pursuant to section 5-5-303, MCA.

Adopted February 1, 2021

SENATE RESOLUTION NO. 9

A RESOLUTION OF THE SENATE OF THE STATE OF MONTANA CONCURRING IN CONFIRMING, AND CONSENTING TO THE APPOINTMENTS TO THE TRANSPORTATION COMMISSION MADE BY THE GOVERNOR AND SUBMITTED BY WRITTEN COMMUNICATION DATED JANUARY 12, 2021, TO THE SENATE.

WHEREAS, the Governor of the State of Montana has made the appointments, below designated, that have been submitted to the Senate by the Governor pursuant to section 5-5-302, MCA:

As members of the Transportation Commission, in accordance with section 2-15-2502, MCA:

Scott Aspenlieder, Billings, Montana, appointed to a term ending January 5, 2025.

Loran Frazier, Great Falls, Montana, appointed to a term ending January 5, 2025.

Shane Sanders, Bozeman, Montana, appointed to a term ending January 5, 2025.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE STATE OF MONTANA:

That the Senate of the Regular Session of the 67th Legislature of the State of Montana does hereby concur in, confirm, and consent to the above appointments and that the Secretary of the Senate immediately deliver a copy of this resolution to the Secretary of State and to the Governor pursuant to section 5-5-303, MCA.

Adopted February 2, 2021

SENATE RESOLUTION NO. 10

A RESOLUTION OF THE SENATE OF THE STATE OF MONTANA CONCURRING IN, CONFIRMING, AND CONSENTING TO THE APPOINTMENTS TO THE BOARD OF AERONAUTICS MADE BY THE GOVERNOR AND SUBMITTED BY WRITTEN COMMUNICATION DATED JANUARY 12, 2021, TO THE SENATE.

WHEREAS, the Governor of the State of Montana has made the appointments, below designated, that have been submitted to the Senate by the Governor pursuant to section 5-5-302, MCA:

As members of the Board of Aeronautics, in accordance with section 2-15-2506, MCA:

Robert Bergeson, Billings, Montana, appointed to a term ending January 5, 2025.

Wade Cebulski, Seeley Lake, Montana, appointed to a term ending January 5, 2025.

Pamela Chamberlin, Butte, Montana, appointed to a term ending January 5, 2025.

Bill Lepper, Whitefish, Montana, appointed to a term ending January 5, 2025.

Tim Robertson, Lewistown, Montana, appointed to a term ending January 5, 2025.

Timothy P. Sheehy, Bozeman, Montana, appointed to a term ending January 5, 2025.

Greg Smith, Lewistown, Montana, appointed to a term ending January 5, 2025.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE STATE OF MONTANA:

That the Senate of the Regular Session of the 67th Legislature of the State of Montana does hereby concur in, confirm, and consent to the above appointments and that the Secretary of the Senate immediately deliver a copy of this resolution to the Secretary of State and to the Governor pursuant to section 5-5-303, MCA.

Adopted February 2, 2021

SENATE RESOLUTION NO. 11

A RESOLUTION OF THE SENATE OF THE STATE OF MONTANA CONCURRING IN, CONFIRMING, AND CONSENTING TO THE APPOINTMENT OF THE DIRECTOR OF THE DEPARTMENT OF CORRECTIONS MADE BY THE GOVERNOR AND SUBMITTED BY WRITTEN COMMUNICATION DATED JANUARY 5, 2021, TO THE SENATE.

WHEREAS, the Governor of the State of Montana has made the appointment, below designated, that has been submitted to the Senate by the Governor pursuant to section 5-5-302, MCA:

As Director of the Department of Corrections, in accordance with sections 2-15-111 and 2-15-2301, MCA:

Brian Gootkin, Bozeman, Montana, appointed to serve a term at the pleasure of the Governor.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE STATE OF MONTANA:

That the Senate of the Regular Session of the 67th Legislature of the State of Montana does hereby concur in, confirm, and consent to the above appointment and that the Secretary of the Senate immediately deliver a copy of this resolution to the Secretary of State and to the Governor pursuant to section 5-5-303, MCA.

Adopted February 4, 2021

SENATE RESOLUTION NO. 12

A RESOLUTION OF THE SENATE OF THE STATE OF MONTANA CONCURRING IN, CONFIRMING, AND CONSENTING TO THE APPOINTMENT OF ASSOCIATE WATER JUDGE MADE BY THE CHIEF JUSTICE OF THE MONTANA SUPREME COURT AND SUBMITTED BY WRITTEN COMMUNICATION DATED JANUARY 11, 2021, TO THE SENATE.

WHEREAS, the Chief Justice of the Supreme Court of the State of Montana has made the appointment, below designated, that has been submitted to the Senate by the Chief Justice pursuant to section 3-7-221, MCA:

As Associate Water Judge of the State of Montana, in accordance with sections 3-1-1010 through 3-1-1013, MCA:

Stephen R. Brown, Missoula, Montana, appointed to a term ending June 30, 2024.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE STATE OF MONTANA:

That the Senate of the Regular Session of the 67th Legislature of the State of Montana does hereby concur in, confirm, and consent to the above appointment and that the Secretary of the Senate immediately deliver a copy of this resolution to the Secretary of State and to the Governor pursuant to section 5-5-303, MCA.

Adopted February 12, 2021

SENATE RESOLUTION NO. 13

A RESOLUTION OF THE SENATE OF THE STATE OF MONTANA CONCURRING IN, CONFIRMING, AND CONSENTING TO THE APPOINTMENTS TO THE BOARD OF VETERANS' AFFAIRS MADE BY THE GOVERNOR AND SUBMITTED BY WRITTEN COMMUNICATION DATED JANUARY 14, 2021, TO THE SENATE.

WHEREAS, the Governor of the State of Montana has made the appointments, below designated, that have been submitted to the Senate by the Governor pursuant to section 5-5-302, MCA:

As members of the Board of Veterans' Affairs, in accordance with section 2-15-1205, MCA:

Charlotte Snyder, Helena, Montana, for a term ending July 31, 2025.

Jen Dalrymple, Townsend, Montana, for a term ending July 31, 2023.

Richard Klose, Laurel, Montana, for a term ending July 31, 2022.

Michael Stone, Big Fork, Montana, for a term ending August 1, 2023.
NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE STATE OF MONTANA:

That the Senate of the Regular Session of the 67th Legislature of the State of Montana does hereby concur in, confirm, and consent to the above appointments and that the Secretary of the Senate immediately deliver a copy of this resolution to the Secretary of State and to the Governor pursuant to section 5-5-303, MCA.

Adopted February 4, 2021

SENATE RESOLUTION NO. 15

A RESOLUTION OF THE SENATE OF THE STATE OF MONTANA CONCURRING IN, CONFIRMING, AND CONSENTING TO THE APPOINTMENTS TO THE FACILITY FINANCE AUTHORITY MADE BY THE GOVERNOR AND SUBMITTED BY WRITTEN COMMUNICATION DATED JANUARY 14, 2021, TO THE SENATE.

WHEREAS, the Governor of the State of Montana has made the appointments, below designated, that have been submitted to the Senate by the Governor pursuant to section 5-5-302, MCA:

As members of the Facility Finance Authority, in accordance with section 2-15-1815, MCA:

Mel Reinhardt, Billings, Montana, for a term ending January 5, 2025.

Jade Goroski, Shelby, Montana, for a term ending January 5, 2025.

John Iverson, Helena, Montana, for a term ending January 5, 2025.

Vu Pham, Billings, Montana, for a term ending January 5, 2025.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE STATE OF MONTANA:

That the Senate of the Regular Session of the 67th Legislature of the State of Montana does hereby concur in, confirm, and consent to the above appointments and that the Secretary of the Senate immediately deliver a copy of this resolution to the Secretary of State and to the Governor pursuant to section 5-5-303, MCA.

Adopted February 4, 2021

SENATE RESOLUTION NO. 16

A RESOLUTION OF THE SENATE OF THE STATE OF MONTANA CONCURRING IN, CONFIRMING, AND CONSENTING TO THE APPOINTMENT TO THE PUBLIC EMPLOYEES' RETIREMENT BOARD MADE BY THE GOVERNOR AND SUBMITTED BY WRITTEN COMMUNICATION DATES JANUARY 14, 2021, TO THE SENATE.

WHEREAS, the Governor of the State of Montana has made the appointment, below designated, that has been submitted to the Senate by the Governor pursuant to section 5-5-302, MCA:

As a member of the Public Employees' Retirement Board, in accordance with section 2-15-1009, MCA:

Richard Hickel, Kalispell, Montana, for a term ending March 31, 2026.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE STATE OF MONTANA:

That the Senate of the Regular Session of the 67th Legislature of the State of Montana does hereby concur in, confirm, and consent to the above

appointment and that the Secretary of the Senate immediately deliver a copy of this resolution to the Secretary of State and to the Governor pursuant to section 5-5-303, MCA.

Adopted February 4, 2021

SENATE RESOLUTION NO. 22

A RESOLUTION OF THE SENATE OF THE STATE OF MONTANA CONCURRING IN, CONFIRMING, AND CONSENTING TO THE APPOINTMENTS TO THE BOARD OF INVESTMENTS MADE BY THE GOVERNOR AND SUBMITTED BY WRITTEN COMMUNICATION DATED JANUARY 14, 2021, TO THE SENATE.

WHEREAS, the Governor of the State of Montana has made the appointments, below designated, that have been submitted to the Senate by the Governor pursuant to section 5-5-302, MCA:

As members of the Board of Investments, in accordance with section 2-15-1808, MCA:

Maggie Peterson, Anaconda, Montana, for a term ending January 5, 2025.

Jeff Greenfield, Shepherd, Montana, for a term ending January 5, 2025.

Jack Prothero, Great Falls, Montana, for a term ending January 5, 2025.

Mark Barry, Helena, Montana, for a term ending January 5, 2025.

Jeff Meredith, Kalispell, Montana, for a term ending January 5, 2025.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE STATE OF MONTANA:

That the Senate of the Regular Session of the 67th Legislature of the State of Montana does hereby concur in, confirm, and consent to the above appointments and that the Secretary of the Senate immediately deliver a copy of this resolution to the Secretary of State and to the Governor pursuant to section 5-5-303, MCA.

Adopted February 12, 2021

SENATE RESOLUTION NO. 25

A RESOLUTION OF THE SENATE OF THE STATE OF MONTANA CONCURRING IN, CONFIRMING, AND CONSENTING TO THE APPOINTMENTS TO THE BOARD OF COUNTY PRINTING MADE BY THE GOVERNOR AND SUBMITTED BY WRITTEN COMMUNICATION DATED JANUARY 14, 2021, TO THE SENATE.

WHEREAS, the Governor of the State of Montana has made the appointments, below designated, that have been submitted to the Senate by the Governor pursuant to section 5-5-302, MCA:

As members of the Board of County Printing, in accordance with section 2-15-1026, MCA:

Jonathan McNiven, Huntley, Montana, for a term ending April 1, 2021.

David McCumber, Butte, Montana, for a term ending April 1, 2021.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE STATE OF MONTANA:

That the Senate of the Regular Session of the 67th Legislature of the State of Montana does hereby concur in, confirm, and consent to the above appointments and that the Secretary of the Senate immediately deliver a copy

of this resolution to the Secretary of State and to the Governor pursuant to section 5-5-303, MCA.

Adopted February 12, 2021

SENATE RESOLUTION NO. 27

A RESOLUTION OF THE SENATE OF THE STATE OF MONTANA CONCURRING IN, CONFIRMING, AND CONSENTING TO THE APPOINTMENTS TO THE STATE COMPENSATION INSURANCE FUND MADE BY THE GOVERNOR AND SUBMITTED BY WRITTEN COMMUNICATION DATED JANUARY 14, 2021, TO THE SENATE.

WHEREAS, the Governor of the State of Montana has made the appointments, below designated, that

have been submitted to the Senate by the Governor pursuant to section 5-5-302, MCA:

As members of the Board of Directors of the State Compensation Insurance Fund, in accordance with

section 2-15-1019, MCA:

Richard Miltenberger, Clancy, Montana, appointed to a term ending March 31, 2025.

Michael Marsh, Billings, Montana, appointed to a term ending March 31, 2025.

John Maxness, Helena, Montana, appointed to a term ending March 31, 2025.

Karen Fagg, Billings, Montana, appointed to a term ending March 31, 2025.
NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE STATE OF MONTANA:

That the Senate of the Regular Session of the 67th Legislature of the State of Montana does hereby concur in, confirm, and consent to the above appointments and that the Secretary of the Senate immediately deliver a copy of this resolution to the Secretary of State and to the Governor pursuant to section 5-5-303, MCA.

Adopted February 11, 2021

SENATE RESOLUTION NO. 28

A RESOLUTION OF THE SENATE OF THE STATE OF MONTANA CONCURRING IN, CONFIRMING, AND CONSENTING TO THE APPOINTMENTS TO THE COMMISSION FOR HUMAN RIGHTS MADE BY THE GOVERNOR AND SUBMITTED BY WRITTEN COMMUNICATION DATED JANUARY 14, 2021, TO THE SENATE.

WHEREAS, the Governor of the State of Montana has made the appointments, below designated, that have

been submitted to the Senate by the Governor pursuant to section 5-5-302, MCA:

As members of the Commission for Human Rights, in accordance with section 2-15-1706, MCA:

Debra Broadbent, Kalispell, Montana, appointed to a term ending January 5, 2025.

Curtis Almy, Miles City, Montana, appointed to a term ending January 5, 2025.

Peter Damrow, Billings, Montana, appointed to a term ending January 5, 2025.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE STATE OF MONTANA:

That the Senate of the Regular Session of the 67th Legislature of the State of Montana does hereby concur in, confirm, and consent to the above appointments and that the Secretary of the Senate immediately deliver a copy of this resolution to the Secretary of State and to the Governor pursuant to section 5-5-303, MCA.

Adopted February 11, 2021

SENATE RESOLUTION NO. 29

A RESOLUTION OF THE SENATE OF THE STATE OF MONTANA CONCURRING IN, CONFIRMING, AND CONSENTING TO THE APPOINTMENTS TO THE BOARD OF HOUSING AND THE BOARD OF HORSERACING MADE BY THE GOVERNOR AND SUBMITTED BY WRITTEN COMMUNICATION DATED JANUARY 14, 2021, TO THE SENATE.

WHEREAS, the Governor of the State of Montana has made the appointments, below designated, that have been submitted to the Senate by the Governor pursuant to section 5-5-302, MCA:

(1) As members of the Board of Housing, in accordance with section 2-15-1814, MCA:

Adam Hertz, Missoula, Montana, appointed to a term ending January 5, 2025.

Cari Yturri, Great Falls, Montana, appointed to a term ending January 5, 2025.

Charles Robison, Helena, Montana, appointed to a term ending January 5, 2025.

F. Bruce Posey, Billings, Montana, appointed to a term ending January 5, 2025.

(2) As members of the Board of Horseracing, in accordance with section 2-15-1809, MCA:

Jody Smith, Miles City, Montana, appointed to a term ending January 1, 2024.

John Hayes, Great Falls, Montana, appointed to a term ending January 1, 2024.

Barry Stang, Helena, Montana, appointed to a term ending January 1, 2023.

Ralph Young, Columbus, Montana, appointed to a term ending January 1, 2023.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE STATE OF MONTANA:

That the Senate of the Regular Session of the 67th Legislature of the State of Montana does hereby concur in, confirm, and consent to the above appointments and that the Secretary of the Senate immediately deliver a copy of this resolution to the Secretary of State and to the Governor pursuant to section 5-5-303, MCA.

Adopted March 16, 2021

SENATE RESOLUTION NO. 30

A RESOLUTION OF THE SENATE OF THE STATE OF MONTANA CONCURRING IN, CONFIRMING, AND CONSENTING TO THE APPOINTMENTS TO THE STATE BANKING BOARD MADE BY THE GOVERNOR AND SUBMITTED BY WRITTEN COMMUNICATION DATED JANUARY 14, 2021, TO THE SENATE.

WHEREAS, the Governor of the State of Montana has made the appointments, below designated, that have been submitted to the Senate by the Governor pursuant to section 5-5-302, MCA.

As members of the State Banking Board, in accordance with section 2-15-1025, MCA:

Loren Brown, Helena, Montana, appointed to a term ending June 30, 2024.

Sarah Converse, Great Falls, Montana, appointed to a term ending June 30, 2024.

Thomas Swenson, Missoula, Montana, appointed to a term ending June 30, 2023.

William Davies, Billings, Montana, appointed to a term ending June 30, 2022.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE STATE OF MONTANA:

That the Senate of the Regular Session of the 67th Legislature of the State of Montana does hereby concur in, confirm, and consent to the above appointments and that the Secretary of the Senate immediately deliver a copy of this resolution to the Secretary of State and to the Governor pursuant to section 5-5-303, MCA.

Adopted February 11, 2021

SENATE RESOLUTION NO. 31

A RESOLUTION OF THE SENATE OF THE STATE OF MONTANA CONCURRING IN, CONFIRMING, AND CONSENTING TO THE APPOINTMENTS TO THE BOARD OF PERSONNEL APPEALS AND THE BOARD OF UNEMPLOYMENT INSURANCE APPEALS MADE BY THE GOVERNOR AND SUBMITTED BY WRITTEN COMMUNICATION DATED JANUARY 14, 2021, TO THE SENATE.

WHEREAS, the Governor of the State of Montana has made the appointments, below designated, that have been submitted to the Senate by the Governor pursuant to section 5-5-302, MCA:

(1) As members of the Board of Personnel Appeals, in accordance with section 2-15-1705, MCA:

Jenny Stringer, Livingston, Montana, appointed to a term ending January 5, 2025.

Clint Penny, Butte, Montana, appointed to a term ending January 5, 2025.

Stacey Yates, Colstrip, Montana, appointed to a term ending January 5, 2025.

(2) As members of the Unemployment Insurance Appeals Board, in accordance with section 2-15-1704, MCA:

Jennifer Iverson, Helena, Montana, appointed to a term ending January 5, 2025.

Laura Fix, Helena, Montana, appointed to a term ending January 5, 2025.

Ruthanne Hansen, Helena, Montana, appointed to a term ending January 5, 2025.

Chris Gallus, Helena, Montana, appointed to a term ending January 5, 2025.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE STATE OF MONTANA:

That the Senate of the Regular Session of the 67th Legislature of the State of Montana does hereby concur in, confirm, and consent to the above appointments and that the Secretary of the Senate immediately deliver a copy of this resolution to the Secretary of State and to the Governor pursuant to section 5-5-303, MCA.

Adopted February 12, 2021

SENATE RESOLUTION NO. 32

A RESOLUTION OF THE SENATE OF THE STATE OF MONTANA CONCURRING IN, CONFIRMING, AND CONSENTING TO THE APPOINTMENTS RELATED TO BUSINESS AND LABOR MADE BY THE GOVERNOR AND SUBMITTED BY WRITTEN COMMUNICATION DATED JANUARY 14, 2021, TO THE SENATE.

WHEREAS, the Governor of the State of Montana has made the appointments, below designated, that have been submitted to the Senate by the Governor pursuant to section 5-5-302, MCA:

(1) As a member of the State Electrical Board, in accordance with section 2-15-1764, MCA:

Rick Hutchinson, Black Eagle, Montana, appointed to a term ending July 1, 2025.

(2) As members of the Board of Plumbers, in accordance with section 2-15-1765, MCA:

Denver Fraser, Clancy, Montana, appointed to a term ending March 31, 2025.

Brandon Shaw, Butte, Montana, appointed to a term ending March 31, 2025.

Mykal Jorgenson, Billings, Montana, appointed to a term ending March 31, 2025.

Scott Lemert, Livingston, Montana, appointed to a term ending March 31, 2025.

Jeffery Gruizenga, Billings, Montana, appointed to a term ending March 31, 2025.

Steve Roll, Forsyth, Montana, appointed to a term ending March 31, 2025.

Trudi Schmidt, Great Falls, Montana, appointed to a term ending March 31, 2025.

Craig Gilchrest, Glasgow, Montana, appointed to a term ending March 31, 2025.

(3) As members of the Board of Funeral Service, in accordance with section 2-15-1743, MCA:

Ralph Mihlfeld, Lewistown, Montana, appointed to a term ending July 1, 2025.

Tyson Moore, Missoula, Montana, appointed to a term ending July 1, 2024.

(4) As members of the Board of Private Security, in accordance with section 2-15-1781, MCA:

Darren Bayliss, Billings, Montana, appointed to a term ending July 31, 2024.

Dirk Bauwens, Billings, Montana, appointed to a term ending July 31, 2024.

Charles Pesola, Somers, Montana, appointed to a term ending July 31, 2024.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE STATE OF MONTANA:

That the Senate of the Regular Session of the 67th Legislature of the State of Montana does hereby concur in, confirm, and consent to the above appointments and that the Secretary of the Senate immediately deliver a copy of this resolution to the Secretary of State and to the Governor pursuant to section 5-5-303, MCA.

Adopted March 12, 2021

SENATE RESOLUTION NO. 33

A RESOLUTION OF THE SENATE OF THE STATE OF MONTANA CONCURRING IN, CONFIRMING, AND CONSENTING TO THE APPOINTMENTS RELATED TO BUSINESS AND LABOR MADE BY THE GOVERNOR AND SUBMITTED BY WRITTEN COMMUNICATION DATED JANUARY 14, 2021, TO THE SENATE.

WHEREAS, the Governor of the State of Montana has made the appointments, below designated, that have been submitted to the Senate by the Governor pursuant to section 5-5-302, MCA:

(1) As members of the Board of Public Accountants, in accordance with section 2-15-1756, MCA:

Ranetta Jones, Billings, Montana, appointed to a term ending June 30, 2025.

Cindy Willis, Lake, Montana, appointed to a term ending June 30, 2025.

(2) As a member of the Board of Architects and Landscape Architects, in accordance with section 2-15-1761, MCA:

Bayliss Ward, Bozeman, Montana, appointed to a term ending March 31, 2025.

(3) As members of the Board of Professional Engineers and Surveyors, in accordance with section 2-15-1763, MCA:

Raymond Gross, Dillon, Montana, appointed to a term ending June 30, 2025.

Ruhul Amin, Bozeman, Montana, appointed to a term ending June 30, 2025.

Thomas Pankratz, Clancy, Montana, appointed to a term ending June 30, 2025.

Deb Poteet, Missoula, Montana, appointed to a term ending June 30, 2025.

(4) As members of the Board of Real Estate Appraisers, in accordance with section 2-15-1758, MCA:

Peter Fontana, Great Falls, Montana, appointed to a term ending April 1, 2022.

George Luther, Miles City, Montana, appointed to a term ending April 1, 2022.

Julie Forbes, Jefferson City, Montana, appointed to a term ending May 1, 2023.

Gregory Thornquist, Helena, Montana, appointed to a term ending May 1, 2025.

Myles Link, Missoula, Montana, appointed to a term ending April 1, 2022.

(5) As members of the Board of Realty Regulation, in accordance with section 2-15-1757, MCA:

Kevin Wetherell, Seeley Lake, Montana, appointed to a term ending May 1, 2023.

Eric Ossorio, Big Sky, Montana, appointed to a term ending May 1, 2023.

Dan Wagner, Billings, Montana, appointed to a term ending May 1, 2023.

Julie Gardner, Missoula, Montana, appointed to a term ending May 1, 2024.

Josh Peck, Butte, Montana, appointed to a term ending May 1, 2023.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE STATE OF MONTANA:

That the Senate of the Regular Session of the 67th Legislature of the State of Montana does hereby concur in, confirm, and consent to the above appointments and that the Secretary of the Senate immediately deliver a copy of this resolution to the Secretary of State and to the Governor pursuant to section 5-5-303, MCA.

Adopted March 11, 2021

SENATE RESOLUTION NO. 34

A RESOLUTION OF THE SENATE OF THE STATE OF MONTANA CONCURRING IN, CONFIRMING, AND CONSENTING TO THE APPOINTMENTS TO THE HARD-ROCK MINING IMPACT BOARD MADE BY THE GOVERNOR AND SUBMITTED BY WRITTEN COMMUNICATION DATED JANUARY 14, 2021, TO THE SENATE.

WHEREAS, the Governor of the State of Montana has made the appointments, below designated, that have been submitted to the Senate by the Governor pursuant to section 5-5-302, MCA:

As members of the Hard-Rock Mining Impact Board, in accordance with section 2-15-1822, MCA:

Jerry Bennett, Libby, Montana, appointed to a term ending January 5, 2025.

Mark Thompson, Butte, Montana, appointed to a term ending January 5, 2025.

Ray Sheldon, Huntley, Montana, appointed to a term ending January 5, 2025.

Clint Rech, Harlowton, Montana, appointed to a term ending January 5, 2025.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE STATE OF MONTANA:

That the Senate of the Regular Session of the 67th Legislature of the State of Montana does hereby concur in, confirm, and consent to the above appointments and that the Secretary of the Senate immediately deliver a copy of this resolution to the Secretary of State and to the Governor pursuant to section 5-5-303, MCA.

Adopted February 9, 2021

SENATE RESOLUTION NO. 35

A RESOLUTION OF THE SENATE OF THE STATE OF MONTANA CONCURRING IN, CONFIRMING, AND CONSENTING TO THE APPOINTMENTS TO THE COAL BOARD MADE BY THE GOVERNOR AND SUBMITTED BY WRITTEN COMMUNICATION DATED JANUARY 14, 2021, TO THE SENATE.

WHEREAS, the Governor of the State of Montana has made the appointments, below designated, that have been submitted to the Senate by the Governor pursuant to section 5-5-302, MCA:

As a member of the Coal Board, in accordance with section 2-15-1821, MCA:

Hal Fuglevand, Billings, Montana, appointed to a term ending January 5, 2025.

Catherine Laughner, Big Sky, Montana, appointed to a term ending January 5, 2025.

Pat Lorello, Belgrade, Montana, appointed to a term ending January 5, 2025.

Jon Wells, Hardin, Montana, appointed to a term ending January 5, 2025.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE STATE OF MONTANA:

That the Senate of the Regular Session of the 67th Legislature of the State of Montana does hereby concur in, confirm, and consent to the above appointments and that the Secretary of the Senate immediately deliver a copy of this resolution to the Secretary of State and to the Governor pursuant to section 5-5-303, MCA.

Adopted February 9, 2021

SENATE RESOLUTION NO. 36

A RESOLUTION OF THE SENATE OF THE STATE OF MONTANA CONCURRING IN, CONFIRMING, AND CONSENTING TO THE APPOINTMENTS TO THE PACIFIC NORTHWEST ELECTRIC POWER AND CONSERVATION PLANNING COUNCIL MADE BY THE GOVERNOR AND SUBMITTED BY WRITTEN COMMUNICATION DATED JANUARY 14, 2021, TO THE SENATE.

WHEREAS, the Governor of the State of Montana has made the appointments, below designated, that have been submitted to the Senate by the Governor pursuant to section 5-5-302, MCA:

As members of the Pacific Northwest Electric Power and Conservation Planning Council, in accordance with section 90-4-402, MCA:

Doug Grob, Kalispell, Montana, appointed to a term ending January 5, 2025.

Mike Milburn, Cascade, Montana, appointed to a term ending January 5, 2025.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE STATE OF MONTANA:

That the Senate of the Regular Session of the 67th Legislature of the State of Montana does hereby concur in, confirm, and consent to the above appointments and that the Secretary of the Senate immediately deliver a copy of this resolution to the Secretary of State and to the Governor pursuant to section 5-5-303, MCA.

Adopted February 9, 2021

SENATE RESOLUTION NO. 37

A RESOLUTION OF THE SENATE OF THE STATE OF MONTANA CONCURRING IN, CONFIRMING, AND CONSENTING TO THE APPOINTMENTS TO THE BOARD OF OIL AND GAS CONSERVATION MADE BY THE GOVERNOR AND SUBMITTED BY WRITTEN COMMUNICATION DATED JANUARY 14, 2021, TO THE SENATE.

WHEREAS, the Governor of the State of Montana has made the appointments, below designated, that have been submitted to the Senate by the Governor pursuant to section 5-5-302, MCA:

As members of the Board of Oil and Gas Conservation, in accordance with section 2-15-3303, MCA:

Gary "Mac" McDermott, Shelby, Montana, appointed to a term ending January 5, 2025.

Corey Welter, Billings, Montana, appointed to a term ending January 5, 2025.

Jeff Wivholm, Medicine Lake, Montana, appointed to a term ending January 5, 2025.

Roy Brown, Billings, Montana, appointed to a term ending January 5, 2025.
NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE STATE OF MONTANA:

That the Senate of the Regular Session of the 67th Legislature of the State of Montana does hereby concur in, confirm, and consent to the above appointments and that the Secretary of the Senate immediately deliver a copy of this resolution to the Secretary of State and to the Governor pursuant to section 5-5-303, MCA.

Adopted February 9, 2021

SENATE RESOLUTION NO. 38

A RESOLUTION OF THE SENATE OF THE STATE OF MONTANA CONCURRING IN, CONFIRMING, AND CONSENTING TO THE APPOINTMENTS TO THE MONTANA ARTS COUNCIL MADE BY THE GOVERNOR AND SUBMITTED BY WRITTEN COMMUNICATION DATED JANUARY 14, 2021, TO THE SENATE.

WHEREAS, the Governor of the State of Montana has made the appointments, below designated, that have been submitted to the Senate by the Governor pursuant to section 5-5-302, MCA:

As members of the Montana Arts Council, in accordance with section 22-2-102, MCA:

Sean Chandler, Harlem, Montana, appointed to a term ending January 31, 2025.

Angela Russell, Lodge Grass, Montana, appointed to a term ending January 31, 2025.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE STATE OF MONTANA:

That the Senate of the Regular Session of the 67th Legislature of the State of Montana does hereby concur in, confirm, and consent to the above appointments and that the Secretary of the Senate immediately deliver a copy of this resolution to the Secretary of State and to the Governor pursuant to section 5-5-303, MCA.

Adopted March 22, 2021

SENATE RESOLUTION NO. 41

A RESOLUTION OF THE SENATE OF THE STATE OF MONTANA CONCURRING IN, CONFIRMING, AND CONSENTING TO THE APPOINTMENT TO THE MONTANA HISTORICAL SOCIETY BOARD OF TRUSTEES MADE BY THE GOVERNOR AND SUBMITTED BY WRITTEN COMMUNICATION DATED JANUARY 14, 2021, TO THE SENATE.

WHEREAS, the Governor of the State of Montana has made the appointment, below designated, that has been submitted to the Senate by the Governor pursuant to section 5-5-302, MCA:

As a member of the Montana Historical Society Board of Trustees, in accordance with section 22-3-104, MCA:

Jude Sheppard, Chinook, Montana, appointed to a term ending June 30, 2025.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE STATE OF MONTANA:

That the Senate of the Regular Session of the 67th Legislature of the State of Montana does hereby concur in, confirm, and consent to the above appointment and that the Secretary of the Senate immediately deliver a copy of this resolution to the Secretary of State and to the Governor pursuant to section 5-5-303, MCA.

Adopted March 9, 2021

SENATE RESOLUTION NO. 42

A RESOLUTION OF THE SENATE OF THE STATE OF MONTANA CONCURRING IN, CONFIRMING, AND CONSENTING TO THE APPOINTMENTS TO THE BOARD OF REGENTS OF HIGHER EDUCATION MADE BY THE GOVERNOR AND SUBMITTED BY WRITTEN COMMUNICATION DATED JANUARY 14, 2021, TO THE SENATE.

WHEREAS, the Governor of the State of Montana has made the appointments, below designated, that have been submitted to the Senate by the Governor pursuant to section 5-5-302, MCA:

As members of the Board of Regents of Higher Education, in accordance with section 2-15-1508, MCA:

Todd Buchanan, Billings, Montana, appointed to a term ending January 31, 2028.

Amy Sexton, Billings, Montana, appointed to a term ending June 30, 2021.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE STATE OF MONTANA:

That the Senate of the Regular Session of the 67th Legislature of the State of Montana does hereby concur in, confirm, and consent to the above appointments and that the Secretary of the Senate immediately deliver a copy of this resolution to the Secretary of State and to the Governor pursuant to section 5-5-303, MCA.

Adopted February 20, 2021

SENATE RESOLUTION NO. 44

A RESOLUTION OF THE SENATE OF THE STATE OF MONTANA CONCURRING IN, CONFIRMING, AND CONSENTING TO THE APPOINTMENT TO THE BOARD OF PUBLIC EDUCATION MADE BY THE GOVERNOR AND SUBMITTED BY WRITTEN COMMUNICATION DATED JANUARY 14, 2021, TO THE SENATE.

WHEREAS, the Governor of the State of Montana has made the appointment, below designated, that has been submitted to the Senate by the Governor pursuant to section 5-5-302, MCA:

As a member of the Board of Public Education, in accordance with section 2-15-1508, MCA:

Susie Hedalen, Townsend, Montana, appointed to a term ending January 31, 2028.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE STATE OF MONTANA:

That the Senate of the Regular Session of the 67th Legislature of the State of Montana does hereby concur in, confirm, and consent to the above appointment and that the Secretary of the Senate immediately deliver a copy of this resolution to the Secretary of State and to the Governor pursuant to section 5-5-303, MCA.

Adopted February 20, 2021

SENATE RESOLUTION NO. 46

A RESOLUTION OF THE SENATE OF THE STATE OF MONTANA CONCURRING IN, CONFIRMING, AND CONSENTING TO THE APPOINTMENT TO THE FIRST JUDICIAL DISTRICT COURT MADE BY THE GOVERNOR AND SUBMITTED BY WRITTEN COMMUNICATION DATED JANUARY 13, 2021, TO THE SENATE.

WHEREAS, the Governor of the State of Montana has made the appointment, below designated, that has been submitted to the Senate by the Governor pursuant to section 5-5-302, MCA:

As District Judge of the First Judicial District of the State of Montana, in accordance with sections 3-1-1010 through 3-1-1013, MCA:

Chris Abbott, Helena, Montana.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE STATE OF MONTANA:

That the Senate of the Regular Session of the 67th Legislature of the State of Montana does hereby concur in, confirm, and consent to the above appointment and that the Secretary of the Senate immediately deliver a copy of this resolution to the Secretary of State and to the Governor pursuant to section 5-5-303, MCA.

Adopted April 29, 2021

SENATE RESOLUTION NO. 47

A RESOLUTION OF THE SENATE OF THE STATE OF MONTANA CONCURRING IN, CONFIRMING, AND CONSENTING TO THE APPOINTMENT TO THE EIGHTEENTH JUDICIAL DISTRICT COURT MADE BY THE GOVERNOR AND SUBMITTED BY WRITTEN COMMUNICATION DATED JANUARY 13, 2021, TO THE SENATE.

WHEREAS, the Governor of the State of Montana has made the appointment, below designated, that has been submitted to the Senate by the Governor pursuant to section 5-5-302, MCA:

As District Judge of the Eighteenth Judicial District of the State of Montana, in accordance with sections 3-1-1010 through 3-1-1013, MCA:

Peter Ohman, Bozeman, Montana.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE STATE OF MONTANA:

That the Senate of the Regular Session of the 67th Legislature of the State of Montana does hereby concur in, confirm, and consent to the above appointment and that the Secretary of the Senate immediately deliver a copy

of this resolution to the Secretary of State and to the Governor pursuant to section 5-5-303, MCA.

Adopted April 26, 2021

SENATE RESOLUTION NO. 48

A RESOLUTION OF THE SENATE OF THE STATE OF MONTANA CONCURRING IN, CONFIRMING, AND CONSENTING TO THE APPOINTMENT TO THE BOARD OF PARDONS AND PAROLE MADE BY THE GOVERNOR AND SUBMITTED BY WRITTEN COMMUNICATION DATED JANUARY 14, 2021, TO THE SENATE.

WHEREAS, the Governor of the State of Montana has made the appointment, below designated, that has been submitted to the Senate by the Governor pursuant to section 5-5-302, MCA:

As a member of the Board of Pardons and Parole, in accordance with section 2-15-2305, MCA:

Steve Hurd, Laurel, Montana, appointed to a term ending January 1, 2027.
NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE STATE OF MONTANA:

That the Senate of the Regular Session of the 67th Legislature of the State of Montana does hereby concur in, confirm, and consent to the above appointment and that the Secretary of the Senate immediately deliver a copy of this resolution to the Secretary of State and to the Governor pursuant to section 5-5-303, MCA.

Adopted February 17, 2021

SENATE RESOLUTION NO. 49

A RESOLUTION OF THE SENATE OF THE STATE OF MONTANA CONCURRING IN, CONFIRMING, AND CONSENTING TO THE APPOINTMENTS TO THE MONTANA PUBLIC SAFETY OFFICER STANDARDS AND TRAINING COUNCIL MADE BY THE GOVERNOR AND SUBMITTED BY WRITTEN COMMUNICATION DATED JANUARY 14, 2021, TO THE SENATE.

WHEREAS, the Governor of the State of Montana has made the appointments, below designated, that have been submitted to the Senate by the Governor pursuant to section 5-5-302, MCA:

As members of the Montana Public Safety Officer Standards and Training Council, in accordance with section 44-4-402, MCA:

Leo Dutton, Helena, Montana, to a term ending January 5, 2025;

Conner Smith, Helena, Montana, to a term ending January 5, 2025;

Bill Smith, Kalispell, Montana, to a term ending January 5, 2025;

Jesse Slaughter, Great Falls, Montana, to a term ending January 5, 2025;

Jim Thomas, Canyon Creek, Montana, to a term ending January 5, 2025;

Kimberly Burdick, Fort Benton, Montana, to a term ending January 5, 2025.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE STATE OF MONTANA:

That the Senate of the Regular Session of the 67th Legislature of the State of Montana does hereby concur in, confirm, and consent to the above appointments and that the Secretary of the Senate immediately deliver a copy

of this resolution to the Secretary of State and to the Governor pursuant to section 5-5-303, MCA.

Adopted February 12, 2021

SENATE RESOLUTION NO. 52

A RESOLUTION OF THE SENATE OF THE STATE OF MONTANA CONCURRING IN, CONFIRMING, AND CONSENTING TO THE APPOINTMENT TO THE BOARD OF WATER WELL CONTRACTORS MADE BY THE GOVERNOR AND SUBMITTED BY WRITTEN COMMUNICATION DATED JANUARY 11, 2021, TO THE SENATE.

WHEREAS, the Governor of the State of the Montana has made the appointment, below designated, that has been submitted to the Senate by the Governor pursuant to section 5-5-302, MCA:

As a member of the Board of Water Well Contractors, in accordance with section 2-15-3307, MCA:

Pat Byrne, Great Falls, Montana, appointed to a term ending July 1, 2022.
NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE STATE OF MONTANA:

That the Senate of the Regular Session of the 67th Legislature of the State of Montana does hereby concur in, confirm, and consent to the above appointment and that the Secretary of the Senate immediately deliver a copy of this resolution to the Secretary of State and to the Governor pursuant to section 5-5-303, MCA.

Adopted February 15, 2021

SENATE RESOLUTION NO. 53

A RESOLUTION OF THE SENATE OF THE STATE OF MONTANA CONCURRING IN, CONFIRMING, AND CONSENTING TO THE APPOINTMENT OF THE DIRECTOR OF NATURAL RESOURCES AND CONSERVATION MADE BY THE GOVERNOR AND SUBMITTED BY WRITTEN COMMUNICATION DATED JANUARY 5, 2021, TO THE SENATE

WHEREAS, the Governor of the State of the Montana has made the appointment, below designated, that has been submitted to the Senate by the Governor pursuant to section 5-5-302, MCA:

As Director of Natural Resources and Conservation, in accordance with sections 2-15-111 and 2-15-3301, MCA:

Amanda Kaster, Helena, Montana, appointed to serve a term at the pleasure of the Governor.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE STATE OF MONTANA:

That the Senate of the Regular Session of the 67th Legislature of the State of Montana does hereby concur in, confirm, and consent to the above appointment and that the Secretary of the Senate immediately deliver a copy of this resolution to the Secretary of State and to the Governor pursuant to section 5-5-303, MCA.

Adopted February 15, 2021

SENATE RESOLUTION NO. 55

A RESOLUTION OF THE SENATE OF THE STATE OF MONTANA CONCURRING IN, CONFIRMING, AND CONSENTING TO THE APPOINTMENT OF THE DIRECTOR OF AGRICULTURE MADE BY THE GOVERNOR AND SUBMITTED BY WRITTEN COMMUNICATION DATED JANUARY 5, 2021, TO THE SENATE.

WHEREAS, the Governor of the State of the Montana has made the appointment, below designated, that has been submitted to the Senate by the Governor pursuant to section 5-5-302, MCA:

As Director of Agriculture, in accordance with sections 2-15-111 and 2-15-3001, MCA:

Michael L. Foster, Bozeman, Montana, appointed to serve a term at the pleasure of the Governor.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE STATE OF MONTANA:

That the Senate of the Regular Session of the 67th Legislature of the State of Montana does hereby concur in, confirm, and consent to the above appointment and that the Secretary of the Senate immediately deliver a copy of this resolution to the Secretary of State and to the Governor pursuant to section 5-5-303, MCA.

Adopted February 9, 2021

SENATE RESOLUTION NO. 56

A RESOLUTION OF THE SENATE OF THE STATE OF MONTANA CONCURRING IN, CONFIRMING, AND CONSENTING TO THE APPOINTMENT TO THE BOARD OF CHIROPRACTORS MADE BY THE GOVERNOR AND SUBMITTED BY WRITTEN COMMUNICATION DATED JANUARY 25, 2021, TO THE SENATE.

WHEREAS, the Governor of the State of Montana has made the appointment, below designated, that has been submitted to the Senate by the Governor pursuant to section 5-5-302, MCA:

As a member of the Board of Chiropractors, in accordance with section 2-15-1737, MCA

Julie Murack, Conrad, Montana, appointed to a term ending January 1, 2023.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE STATE OF MONTANA:

That the Senate of the Regular Session of the 67th Legislature of the State of Montana does hereby concur in, confirm, and consent to the above appointment and that the Secretary of the Senate immediately deliver a copy of this resolution to the Secretary of State and to the Governor pursuant to section 5-5-303, MCA.

Adopted February 20, 2021

SENATE RESOLUTION NO. 57

A RESOLUTION OF THE SENATE OF THE STATE OF MONTANA CONCURRING IN, CONFIRMING, AND CONSENTING TO THE APPOINTMENT OF THE DIRECTOR OF THE DEPARTMENT OF PUBLIC HEALTH AND HUMAN SERVICES MADE BY THE GOVERNOR AND SUBMITTED BY WRITTEN COMMUNICATION DATED JANUARY 25, 2021, TO THE SENATE.

WHEREAS, the Governor of the State of Montana has made the appointment, below designated, that has been submitted to the Senate by the Governor pursuant to section 5-5-302, MCA:

As Director of the Department of Public Health and Human Services, in accordance with sections 2-15-111 and 2-15-2201, MCA:

Adam Meier, Fort Thomas, Kentucky, appointed to serve a term at the pleasure of the governor.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE STATE OF MONTANA:

That the Senate of the Regular Session of the 67th Legislature of the State of Montana does hereby concur in, confirm, and consent to the above appointment and that the Secretary of the Senate immediately deliver a copy of this resolution to the Secretary of State and to the Governor pursuant to section 5-5-303, MCA.

Adopted March 18, 2021

SENATE RESOLUTION NO. 58

A RESOLUTION OF THE SENATE OF THE STATE OF MONTANA CONCURRING IN, CONFIRMING, AND CONSENTING TO THE APPOINTMENTS TO THE BOARD OF ENVIRONMENTAL REVIEW MADE BY THE GOVERNOR AND SUBMITTED BY WRITTEN COMMUNICATION DATED JANUARY 11, 2021, TO THE SENATE.

WHEREAS, the Governor of the State of the Montana has made the appointments, below designated, that have been submitted to the Senate by the Governor pursuant to section 5-5-302, MCA:

As members of the Board of Environmental Review, in accordance with section 2-15-3502, MCA:

Jon C. Reiten, Billings, Montana, appointed to a term ending January 5, 2025.

David W. Simpson, Billings, Montana, appointed to a term ending January 5, 2025.

Joseph T. Smith, Florence, Montana, appointed to a term ending January 5, 2025.

Steven P. Ruffatto, Columbus, Montana, appointed to a term ending January 5, 2025.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE STATE OF MONTANA:

That the Senate of the Regular Session of the 67th Legislature of the State of Montana does hereby concur in, confirm, and consent to the above appointments and that the Secretary of the Senate immediately deliver a copy of this resolution to the Secretary of State and to the Governor pursuant to section 5-5-303, MCA.

Adopted February 17, 2021

SENATE RESOLUTION NO. 59

A RESOLUTION OF THE SENATE OF THE STATE OF MONTANA CONCURRING IN, CONFIRMING, AND CONSENTING TO THE APPOINTMENT OF THE DIRECTOR OF THE DEPARTMENT OF FISH, WILDLIFE, AND PARKS MADE BY THE GOVERNOR AND SUBMITTED

BY WRITTEN COMMUNICATION DATED JANUARY 25, 2021, TO THE SENATE.

WHEREAS, the Governor of the State of Montana has made the appointment, below designated, that has been submitted to the Senate by the Governor pursuant to section 5-5-302, MCA:

As the Director of the Department of Fish, Wildlife, and Parks, in accordance with sections 2-15-111 and 2-15-3401, MCA:

Hank Worsech, Helena, Montana, appointed to serve a term at the pleasure of the Governor.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE STATE OF MONTANA:

That the Senate of the Regular Session of the 67th Legislature of the State of Montana does hereby concur in, confirm, and consent to the above appointment and that the Secretary of the Senate immediately deliver a copy of this resolution to the Secretary of State and to the Governor pursuant to section 5-5-303, MCA.

Adopted February 12, 2021

SENATE RESOLUTION NO. 60

A RESOLUTION OF THE SENATE OF THE STATE OF MONTANA CONCURRING IN, CONFIRMING, AND CONSENTING TO THE APPOINTMENTS TO THE BOARD OF PARKS AND RECREATION MADE BY THE GOVERNOR AND SUBMITTED BY WRITTEN COMMUNICATION DATED JANUARY 13, 2021, TO THE SENATE.

WHEREAS, the Governor of the State of Montana has made the appointments, below designated, that have been submitted to the Senate by the Governor pursuant to section 5-5-302, MCA:

As members of the Board of Parks and Recreation, in accordance with section 2-15-3406, MCA:

Jody Loomis, Helena, Montana, appointed to a term ending January 5, 2025.

Russell Kipp, Polaris, Montana, appointed to a term ending January 5, 2025.

Kathy McLane, Glendive, Montana, appointed to a term ending January 5, 2025.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE STATE OF MONTANA:

That the Senate of the Regular Session of the 67th Legislature of the State of Montana does hereby concur in, confirm, and consent to the above appointments and that the Secretary of the Senate immediately deliver a copy of this resolution to the Secretary of State and to the Governor pursuant to section 5-5-303, MCA.

Adopted February 16, 2021

SENATE RESOLUTION NO. 63

A RESOLUTION OF THE SENATE OF THE STATE OF MONTANA CONCURRING IN, CONFIRMING, AND CONSENTING TO THE APPOINTMENTS TO THE BOARD OF LIVESTOCK MADE BY THE GOVERNOR AND SUBMITTED BY WRITTEN COMMUNICATION DATED JANUARY 14, 2021.

WHEREAS, the Governor of the State of Montana has made the appointments, below designated, that have been submitted to the Senate by the Governor pursuant to section 5-5-302, MCA:

As members of the Board of Livestock, in accordance with section 2-15-3102, MCA:

Gene Curry, Valier, Montana, appointed to a term ending February 28, 2027.

Alan Redfield, Livingston, Montana, appointed to a term ending February 28, 2027.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE STATE OF MONTANA:

That the Senate of the Regular Session of the 67th Legislature of the State of Montana does hereby concur in, confirm, and consent to the above appointments and that the Secretary of the Senate immediately deliver a copy of this resolution to the Secretary of State and to the Governor pursuant to section 5-5-303, MCA.

Adopted February 20, 2021

SENATE RESOLUTION NO. 65

A RESOLUTION OF THE SENATE OF THE STATE OF MONTANA CONCURRING IN, CONFIRMING, AND CONSENTING TO THE APPOINTMENT TO THE BOARD OF HAIL INSURANCE MADE BY THE GOVERNOR AND SUBMITTED BY WRITTEN COMMUNICATION DATED JANUARY 14, 2021, TO THE SENATE.

WHEREAS, the Governor of the State of Montana has made the appointment, below designated, that has been submitted to the Senate by the Governor pursuant to section 5-5-302, MCA:

As a member of the Board of Hail Insurance, in accordance with section 2-15-3003, MCA:

Bing Von Bergen, Moccasin, Montana, appointed to a term ending January 5, 2025 2024.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE STATE OF MONTANA:

That the Senate of the Regular Session of the 67th Legislature of the State of Montana does hereby concur in, confirm, and consent to the above appointment and that the Secretary of the Senate immediately deliver a copy of this resolution to the Secretary of State and to the Governor pursuant to section 5-5-303, MCA.

Adopted February 20, 2021

SENATE RESOLUTION NO. 66

A RESOLUTION OF THE SENATE OF THE STATE OF MONTANA CONCURRING IN, CONFIRMING, AND CONSENTING TO THE APPOINTMENTS TO THE LIVESTOCK LOSS BOARD MADE BY THE GOVERNOR AND SUBMITTED BY WRITTEN COMMUNICATION DATED JANUARY 14, 2021, TO THE SENATE.

WHEREAS, the Governor of the State of Montana has made the appointments, below designated, that have been submitted to the Senate by the Governor pursuant to section 5-5-302:

As members of the Livestock Loss Board, in accordance with section 2-15-3110, MCA:

Elaine Allestad, Big Timber, Montana, appointed to a term ending January 5, 2025.

Doreen Gillespie, Ethridge, Montana, appointed to a term ending January 5, 2025.

Joseph Kipp, Browning, Montana, appointed to a term ending January 5, 2025.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE STATE OF MONTANA:

That the Senate of the Regular Session of the 67th Legislature of the State of Montana does hereby concur in, confirm, and consent to the above appointments and that the Secretary of the Senate immediately deliver a copy of this resolution to the Secretary of State and to the Governor pursuant to section 5-5-303, MCA.

Adopted February 20, 2021

SENATE RESOLUTION NO. 68

A RESOLUTION OF THE SENATE OF THE STATE OF MONTANA CONCURRING IN, CONFIRMING, AND CONSENTING TO THE APPOINTMENTS TO THE BOARD OF MILK CONTROL MADE BY THE GOVERNOR AND SUBMITTED BY WRITTEN COMMUNICATION DATED JANUARY 14, 2021, TO THE SENATE.

WHEREAS, the Governor of the State of Montana has made the appointments, below designated, that have been submitted to the Senate by the Governor pursuant to section 5-5-302, MCA:

As members of the Board of Milk Control, in accordance with section 2-15-3105, MCA:

Brian Beerman, Fairfield, Montana, appointed to a term ending January 5, 2025.

Ken Bryan, Roundup, Montana, appointed to a term ending January 1, 2023.

Staci Ketchum, Miles City, Montana, appointed to a term ending January 5, 2025.

Scott Mitchell, Billings, Montana, appointed to a term ending January 1, 2023.

Travis Stroh, Glendive, Montana, appointed to a term ending January 5, 2025.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE STATE OF MONTANA:

That the Senate of the Regular Session of the 67th Legislature of the State of Montana does hereby concur in, confirm, and consent to the above appointments and that the Secretary of the Senate immediately deliver a copy of this resolution to the Secretary of State and to the Governor pursuant to section 5-5-303, MCA.

Adopted February 20, 2021

SENATE RESOLUTION NO. 69

A RESOLUTION OF THE SENATE OF THE STATE OF MONTANA CONCURRING IN, CONFIRMING, AND CONSENTING TO THE APPOINTMENT TO THE STATE TAX APPEAL BOARD MADE BY THE GOVERNOR AND SUBMITTED BY WRITTEN COMMUNICATION DATED JANUARY 12, 2021, TO THE SENATE.

WHEREAS, the Governor of the State of Montana has made the appointment, below designated, that has been submitted to the Senate by the Governor pursuant to section 5-5-302, MCA:

As a member of the State Tax Appeal Board, in accordance with section 15-2-101, MCA:

Fred Thomas, Stevensville, Montana, appointed to a term ending January 3, 2023.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE STATE OF MONTANA:

That the Senate of the Regular Session of the 67th Legislature of the State of Montana does hereby concur in, confirm, and consent to the above appointment and that the Secretary of the Senate immediately deliver a copy of this resolution to the Secretary of State and to the Governor pursuant to section 5-5-303, MCA.

Adopted February 19, 2021

SENATE RESOLUTION NO. 70

A RESOLUTION OF THE SENATE OF THE STATE OF MONTANA CONCURRING IN, CONFIRMING, AND CONSENTING TO THE APPOINTMENTS TO THE BOARD OF VETERINARY MEDICINE MADE BY THE GOVERNOR AND SUBMITTED BY WRITTEN COMMUNICATION DATED JANUARY 14, 2021, TO THE SENATE.

WHEREAS, the Governor of the State of Montana has made the appointments, below designated, that have been submitted to the Senate by the Governor pursuant to section 5-5-302, MCA:

As members of the Board of Veterinary Medicine, in accordance with section 2-15-1742:

Paul McCann, Havre, Montana, appointed to a term ending July 31, 2024.

Kateri Nelson, Livingston, Montana, appointed to a term ending July 31, 2025.

Katie Rein, Harlowton, Montana, appointed to a term ending July 31, 2025.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE STATE OF MONTANA:

That the Senate of the Regular Session of the 67th Legislature of the State of Montana does hereby concur in, confirm, and consent to the above appointments and that the Secretary of the Senate immediately deliver a copy of this resolution to the Secretary of the State and to the Governor pursuant to section 5-5-303, MCA.

Adopted February 20, 2021

SENATE RESOLUTION NO. 71

A RESOLUTION OF THE SENATE OF THE STATE OF MONTANA CONCURRING IN, CONFIRMING, AND CONSENTING TO THE APPOINTMENTS TO THE BOARDS OF ALTERNATIVE HEALTH CARE, BEHAVIORAL HEALTH, CLINICAL LABORATORY SCIENCE PRACTITIONERS, DENTISTRY, HEARING AID DISPENSERS, MASSAGE THERAPY, MEDICAL EXAMINERS, NURSING, NURSING HOME ADMINISTRATORS, OCCUPATIONAL THERAPY PRACTICE, OPTOMETRY, PHARMACY, PHYSICAL THERAPY EXAMINERS, PSYCHOLOGISTS, RADIOLOGIC TECHNOLOGISTS, RESPIRATORY

CARE PRACTITIONERS, SANITARIANS, AND SPEECH-LANGUAGE PATHOLOGISTS AND AUDIOLOGISTS MADE BY THE GOVERNOR AND SUBMITTED BY WRITTEN COMMUNICATION DATED JANUARY 14, 2021, TO THE SENATE.

WHEREAS, the Governor of the State of Montana has made the appointments, below designated, that have been submitted to the Senate by the Governor pursuant to sections 5-5-301 and 5-5-302, MCA:

(1) As members of the Alternative Health Care Board, in accordance with section 2-15-1730, MCA:

Sandra Shepherd, Missoula, Montana, appointed to a term ending September 1, 2022.

Alisun Bonville, Bozeman, Montana, appointed to a term ending September 1, 2023.

Jeffrey Green, Belgrade, Montana, appointed to a term ending September 1, 2024.

(2) As members of the Board of Behavioral Health, in accordance with section 2-15-1744, MCA:

Cooper Baldwin, Melrose, Montana, appointed to a term ending January 3, 2025.

Elaine Maronick, Helena, Montana, appointed to a term ending January 3, 2025.

Annette Darkenwald, Billings, Montana, appointed to a term ending January 3, 2025.

(3) As members of the Board of Clinical Laboratory Science Practitioners, in accordance with section 2-15-1753, MCA:

Will Peterman, Hardin, Montana, appointed to a term ending April 1, 2021.

Steve Matthes, Helena, Montana, appointed to a term ending April 1, 2023.

Matthew Kalanick, Great Falls, Montana, appointed to a term ending April 1, 2023.

Matt Aakre, Helena, Montana, appointed to a term ending April 1, 2024.

Erin Foley, Butte, Montana, appointed to a term ending April 1, 2023.

(4) As members of the Board of Dentistry, in accordance with section 2-15-1732, MCA:

Allen Casteel, Great Falls, Montana, appointed to a term ending April 1, 2022.

Justin Hicks, Helena, Montana, appointed to a term ending April 1, 2025.

(5) As members of the Board of Hearing Aid Dispensers, in accordance with section 2-15-1740, MCA:

Eric Ellingson, Great Falls, Montana, appointed to a term ending July 1, 2021.

Dennis Scoggins, Lima, Montana, appointed to a term ending July 1, 2023.

(6) As members of the Board of Massage Therapy, in accordance with section 2-15-1782, MCA:

Liz Cavin, Helena, Montana, appointed to a term ending May 1, 2021.

Peg Holwick, Helena, Montana, appointed to a term ending May 1, 2023.

(7) As members of the Board of Medical Examiners, in accordance with section 2-15-1731, MCA:

Anna Earl, Great Falls, Montana, appointed to a term ending September 1, 2022.

James Burkholder, Helena, Montana, appointed to a term ending September 1, 2023.

Bruce Robertson, Bozeman, Montana, appointed to a term ending September 1, 2024.

Ashleigh Magill, Whitefish, Montana, appointed to a term ending September 1, 2023.

Douglas Womack, Missoula, Montana, appointed to a term ending September 1, 2023.

Gina Painter, Great Falls, Montana, appointed to a term ending September 1, 2022.

(8) As members of the Board of Nursing, in accordance with section 2-15-1734, MCA:

Lisa Stricker, Billings, Montana, appointed to a term ending July 1, 2023.

Nicole Guay, Butte, Montana, appointed to a term ending July 1, 2024.

Sarah Spangler, Havre, Montana, appointed to a term ending July 1, 2023.

Sandy Sacry, Whitehall, Montana, appointed to a term ending July 1, 2024.

(9) As members of the Board of Nursing Home Administrators, in accordance with section 2-15-1735, MCA:

Kathryn Beaty, Hamilton, Montana, appointed to a term ending June 1, 2025.

Bill Bronson, Great Falls, Montana, appointed to a term ending June 1, 2022.

Theresa Cox, Missoula, Montana, appointed to a term ending June 1, 2024.

(10) As members of the Board of Occupational Therapy Practice, in accordance with section 2-15-1749, MCA:

Melinda Martin, Helena, Montana, appointed to a term ending December 31, 2024.

Deb Penner, Butte, Montana, appointed to a term ending December 31, 2024.

(11) As members of the Board of Optometry, in accordance with section 2-15-1736, MCA:

Douglas Kimball, Bozeman, Montana, appointed to a term ending April 1, 2023.

Mindy Leach, Great Falls, Montana, appointed to a term ending April 1, 2024.

Peter Fontana, Great Falls, Montana, appointed to a term ending April 1, 2023.

(12) As members of the Board of Pharmacy, in accordance with section 2-15-1733, MCA:

Tony King, Helena, Montana, appointed to a term ending June 30, 2025

Starla Blank, Clancy, Montana, appointed to a term ending July 1, 2024.

Paul Brand, Florence, Montana, appointed to a term ending July 1, 2024.

Jeffrey Nikolaisen, Butte, Montana, appointed to a term ending July 1, 2025.

(13) As members of the Board of Physical Therapy Examiners, in accordance with section 2-15-1748, MCA:

Jennifer Noel, Deer Lodge, Montana, appointed to a term ending July 1, 2022.

Holly Claussen, Missoula, Montana, appointed to a term ending July 1, 2023.

(14) As members of the Board of Psychologists, in accordance with section 2-15-1741, MCA:

Jackie Mohler, Helena, Montana, appointed to a term ending September 1, 2022.

Christine Fiore, Missoula, Montana, appointed to a term ending September 1, 2024.

James Murphey, Bozeman, Montana, appointed to a term ending September 1, 2024.

Sonia Zachow, Butte, Montana, appointed to a term ending September 1, 2025.

(15) As members of the Board of Radiologic Technologists, in accordance with section 2-15-1738, MCA:

Nathan Richardson, Kalispell, Montana, appointed to a term ending July 1, 2023.

Kelli Hollow, Butte, Montana, appointed to a term ending July 1, 2023.

Lora Wier, Choteau, Montana, appointed to a term ending July 1, 2023.

Mike Nielsen, Billings, Montana, appointed to a term ending July 1, 2022.

Sarah Stilwill, Bozeman, Montana, appointed to a term ending July 1, 2023.

Darian Sutton, Helena, Montana, appointed to a term ending July 1, 2021.

(16) As members of the Board of Respiratory Care Practitioners, in accordance with section 2-15-1750, MCA:

Justin O'Brien, Libby, Montana, appointed to a term ending January 1, 2023.

William Carmichael, Great Falls, Montana, appointed to a term ending January 1, 2023.

(17) As members of the Board of Sanitarians, in accordance with section 2-15-1751, MCA:

Tracy Nielsen, Billings, Montana, appointed to a term ending July 1, 2023.

Eugene Pizzini, Helena, Montana, appointed to a term ending July 1, 2023.

Stephanie Ler, Sidney, Montana, appointed to a term ending July 1, 2022.

Clay Vincent, Havre, Montana, appointed to a term ending July 1, 2023.

(18) As members of the Board of Speech-Language Pathologists and Audiologists, in accordance with section 2-15-1739, MCA:

Kelsey Mann, Billings, Montana, appointed to a term ending December 31, 2023.

Hillary Carter, Helena, Montana, appointed to a term ending December 31, 2023.

Rachel Stansberry, Lewistown, Montana, appointed to a term ending December 31, 2022.

Diane Simpson, Fort Shaw, Montana, appointed to a term ending December 31, 2022.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE STATE OF MONTANA:

That the Senate of the Regular Session of the 67th Legislature of the State of Montana does hereby concur in, confirm, and consent to the above appointments and that the Secretary of the Senate immediately deliver a copy of this resolution to the Secretary of State and to the Governor pursuant to section 5-5-303, MCA.

Adopted February 20, 2021

SENATE RESOLUTION NO. 72

A RESOLUTION OF THE SENATE OF THE STATE OF MONTANA CONCURRING IN, CONFIRMING, AND CONSENTING TO THE APPOINTMENT TO THE BOARD OF OCCUPATIONAL THERAPY PRACTICE MADE BY THE GOVERNOR AND SUBMITTED BY WRITTEN COMMUNICATION DATED JANUARY 14, 2021, TO THE SENATE.

WHEREAS, the Governor of the State of Montana has made the appointment, below designated, that has been submitted to the Senate by the Governor pursuant to section 5-5-302, MCA:

As a member of the Board of Occupational Therapy Practice, in accordance with section 2-15-1749, MCA:

Trent Gahl, Belgrade, Montana, appointed to a term ending December 31, 2023.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE STATE OF MONTANA:

That the Senate of the Regular Session of the 67th Legislature of the State of Montana does hereby concur in, confirm, and consent to the above appointment and that the Secretary of the Senate immediately deliver a copy of this resolution to the Secretary of State and to the Governor pursuant to section 5-5-303, MCA.

Adopted February 25, 2021

SENATE RESOLUTION NO. 73

A RESOLUTION OF THE SENATE OF THE STATE OF MONTANA CONCURRING IN, CONFIRMING, AND CONSENTING TO THE APPOINTMENT TO THE BOARD OF REGENTS OF HIGHER EDUCATION MADE BY THE GOVERNOR AND SUBMITTED BY WRITTEN COMMUNICATION DATED FEBRUARY 10, 2021, TO THE SENATE.

WHEREAS, the Governor of the State of Montana has made the appointment, below designated, that has been submitted to the Senate by the Governor pursuant to section 5-5-302, MCA:

As a member of the Board of Regents of Higher Education, in accordance with section 2-15-1508, MCA:

Loren Bough, Big Sky, Montana, appointed to a term ending January 31, 2027.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE STATE OF MONTANA:

That the Senate of the Regular Session of the 67th Legislature of the State of Montana does hereby concur in, confirm, and consent to the above appointment and that the Secretary of the Senate immediately deliver a copy of this resolution to the Secretary of State and to the Governor pursuant to section 5-5-303, MCA.

Adopted February 20, 2021

SENATE RESOLUTION NO. 74

A RESOLUTION OF THE SENATE OF THE STATE OF MONTANA CONCURRING IN, CONFIRMING, AND CONSENTING TO THE APPOINTMENT OF THE DIRECTOR OF THE DEPARTMENT OF MILITARY AFFAIRS MADE BY THE GOVERNOR AND SUBMITTED BY WRITTEN COMMUNICATION DATED JANUARY 5, 2021, TO THE SENATE.

WHEREAS, the Governor of the State of Montana has made the appointment, below designated, that has been submitted to the Senate by the Governor pursuant to section 5-5-302, MCA:

As Director of the Department of Military Affairs, Adjutant General, in accordance with sections 2-15-111 and 2-15-1201, MCA:

Major General J. Peter Hronek, Helena, Montana, appointed to serve a term at the pleasure of the Governor.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE STATE OF MONTANA:

That the Senate of the Regular Session of the 67th Legislature of the State of Montana does hereby concur in, confirm, and consent to the above appointment and that the Secretary of the Senate immediately deliver a copy of this resolution to the Secretary of State and to the Governor pursuant to section 5-5-303, MCA.

Adopted April 1, 2021

SENATE RESOLUTION NO. 75

A RESOLUTION OF THE SENATE OF THE STATE OF MONTANA CONCURRING IN, CONFIRMING, AND CONSENTING TO THE APPOINTMENT OF THE DIRECTOR OF THE DEPARTMENT OF COMMERCE MADE BY THE GOVERNOR AND SUBMITTED BY WRITTEN COMMUNICATION DATED JANUARY 13, 2021, TO THE SENATE.

WHEREAS, the Governor of the State of Montana has made the appointment, below designated, that has been submitted to the Senate by the Governor pursuant to section 5-5-302, MCA:

As Director of the Department of Commerce, in accordance with sections 2-15-111 and 2-15-1801, MCA:

Scott Osterman, Whitefish, Montana, appointed to serve a term at the pleasure of the Governor.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE STATE OF MONTANA:

That the Senate of the Regular Session of the 67th Legislature of the State of Montana does hereby concur in, confirm, and consent to the above appointment and that the Secretary of the Senate immediately deliver a copy of this resolution to the Secretary of State and to the Governor pursuant to section 5-5-303, MCA.

Adopted February 26, 2021

SENATE RESOLUTION NO. 76

A RESOLUTION OF THE SENATE OF THE STATE OF MONTANA CONCURRING IN, CONFIRMING, AND CONSENTING TO THE APPOINTMENT OF THE DIRECTOR OF THE DEPARTMENT OF ADMINISTRATION MADE BY THE GOVERNOR AND SUBMITTED BY WRITTEN COMMUNICATION DATED FEBRUARY 1, 2021, TO THE SENATE.

WHEREAS, the Governor of the State of Montana has made the appointment, below designated, that has been submitted to the Senate by the Governor pursuant to section 5-5-302, MCA:

As Director of the Department of Administration, in accordance with sections 2-15-111 and 2-15-1001, MCA:

Misty Ann Giles, Helena, Montana, appointed to serve a term at the pleasure of the Governor.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE STATE OF MONTANA:

That the Senate of the Regular Session of the 67th Legislature of the State of Montana does hereby concur in, confirm, and consent to the above appointment and that the Secretary of the Senate immediately deliver a copy of this resolution to the Secretary of State and to the Governor pursuant to section 5-5-303, MCA.

Adopted April 20, 2021

SENATE RESOLUTION NO. 77

A RESOLUTION OF THE SENATE OF THE STATE OF MONTANA CONCURRING IN, CONFIRMING, AND CONSENTING TO THE APPOINTMENTS TO THE STATE BANKING BOARD MADE BY THE GOVERNOR AND SUBMITTED BY WRITTEN COMMUNICATION DATED JANUARY 14, 2021, TO THE SENATE.

WHEREAS, the Governor of the State of Montana has made the appointments, below designated, that have been submitted to the Senate by the Governor pursuant to section 5-5-302, MCA:

As members of the State Banking Board, in accordance with section 2-15-1025, MCA:

Kevin Davis, Missoula, Montana, appointed to a term ending June 30, 2022.

Sherry Essmann, Billings, Montana, appointed to a term ending June 30, 2023.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE STATE OF MONTANA:

That the Senate of the Regular Session of the 67th Legislature of the State of Montana does hereby concur in, confirm, and consent to the above appointments and that the Secretary of the Senate immediately deliver a copy of this resolution to the Secretary of State and to the Governor pursuant to section 5-5-303, MCA.

Adopted February 25, 2021

SENATE RESOLUTION NO. 78

A RESOLUTION OF THE SENATE OF THE STATE OF MONTANA CONCURRING IN, CONFIRMING, AND CONSENTING TO THE APPOINTMENT TO THE BOARD OF PERSONNEL APPEALS MADE BY THE GOVERNOR AND SUBMITTED BY WRITTEN COMMUNICATION DATED JANUARY 14, 2021, TO THE SENATE.

WHEREAS, the Governor of the State of Montana has made the appointment, below designated, that has been submitted to the Senate by the Governor pursuant to section 5-5-302, MCA:

As a member of the Board of Personnel Appeals, in accordance with section 2-15-1705, MCA:

Brian Hopkins, Great Falls, Montana, appointed to a term ending July 1, 2023.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE STATE OF MONTANA:

That the Senate of the Regular Session of the 67th Legislature of the State of Montana does hereby concur in, confirm, and consent to the above appointment and that the Secretary of the Senate immediately deliver a copy of this resolution to the Secretary of State and to the Governor pursuant to section 5-5-303, MCA.

Adopted February 25, 2021

SENATE RESOLUTION NO. 79

A RESOLUTION OF THE SENATE OF THE STATE OF MONTANA CONCURRING IN, CONFIRMING, AND CONSENTING TO THE APPOINTMENT TO THE COMMISSION FOR HUMAN RIGHTS MADE BY

THE GOVERNOR AND SUBMITTED BY WRITTEN COMMUNICATION DATED JANUARY 14, 2021, TO THE SENATE.

WHEREAS, the Governor of the State of Montana has made the appointment, below designated, that has been submitted to the Senate by the Governor pursuant to section 5-5-302, MCA:

As a member of the Commission for Human Rights, in accordance with section 2-15-1706, MCA:

Richard Bartos, Helena, Montana, appointed to a term ending January 1, 2023.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE STATE OF MONTANA:

That the Senate of the Regular Session of the 67th Legislature of the State of Montana does hereby concur in, confirm, and consent to the above appointment and that the Secretary of the Senate immediately deliver a copy of this resolution to the Secretary of State and to the Governor pursuant to section 5-5-303, MCA.

Adopted February 25, 2021

SENATE RESOLUTION NO. 80

A RESOLUTION OF THE SENATE OF THE STATE OF MONTANA CONCURRING IN, CONFIRMING, AND CONSENTING TO THE APPOINTMENT TO THE BOARD OF DIRECTORS OF THE STATE COMPENSATION INSURANCE FUND MADE BY THE GOVERNOR AND SUBMITTED BY WRITTEN COMMUNICATION DATED JANUARY 14, 2021, TO THE SENATE.

WHEREAS, the Governor of the State of Montana has made the appointment, below designated, that has been submitted to the Senate by the Governor pursuant to section 5-5-302, MCA:

As a member of the Board of Directors of the State Compensation Insurance Fund, in accordance with section 2-15-1019, MCA:

Curt Laingen, Shepherd, Montana, appointed to a term ending March 31, 2023.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE STATE OF MONTANA:

That the Senate of the Regular Session of the 67th Legislature of the State of Montana does hereby concur in, confirm, and consent to the above appointment and that the Secretary of the Senate immediately deliver a copy of this resolution to the Secretary of State and to the Governor pursuant to section 5-5-303, MCA.

Adopted February 25, 2021

SENATE RESOLUTION NO. 81

A RESOLUTION OF THE SENATE OF THE STATE OF MONTANA CONCURRING IN, CONFIRMING, AND CONSENTING TO THE APPOINTMENT TO THE BOARD OF ENVIRONMENTAL REVIEW MADE BY THE GOVERNOR AND SUBMITTED BY WRITTEN COMMUNICATION DATED JANUARY 11, 2021, TO THE SENATE.

WHEREAS, the Governor of the State of the Montana has made the appointment, below designated, that has been submitted to the Senate by the Governor pursuant to section 5-5-302, MCA:

As a member of the Board of Environmental Review, in accordance with section 2-15-3502, MCA:

Julia Altemus, Missoula, Montana, appointed to a term ending January 1, 2023.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE STATE OF MONTANA:

That the Senate of the Regular Session of the 67th Legislature of the State of Montana does hereby concur in, confirm, and consent to the above appointment and that the Secretary of the Senate immediately deliver a copy of this resolution to the Secretary of State and to the Governor pursuant to section 5-5-303, MCA.

Adopted March 9, 2021

SENATE RESOLUTION NO. 82

A RESOLUTION OF THE SENATE OF THE STATE OF MONTANA CONCURRING IN, CONFIRMING, AND CONSENTING TO THE APPOINTMENTS TO THE BOARD OF VETERANS' AFFAIRS MADE BY THE GOVERNOR AND SUBMITTED BY WRITTEN COMMUNICATION DATED JANUARY 14, 2021, TO THE SENATE.

WHEREAS, the Governor of the State of Montana has made the appointments, below designated, that have been submitted to the Senate by the Governor pursuant to section 5-5-302, MCA:

As members of the Board of Veterans' Affairs, in accordance with section 2-15-1205, MCA:

Klayton Carroll, Sidney, Montana, for a term ending July 31, 2024.

Brett Cusker, Bozeman, Montana, for a term ending July 31, 2022.

Ryan Luchau, Helena, Montana, for a term ending July 31, 2023.

Barb Skelton, Billings, Montana, for a term ending July 31, 2023.

Dean Rehbein, Missoula, Montana, for a term ending July 31, 2022.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE STATE OF MONTANA:

That the Senate of the Regular Session of the 67th Legislature of the State of Montana does hereby concur in, confirm, and consent to the above appointments and that the Secretary of the Senate immediately deliver a copy of this resolution to the Secretary of State and to the Governor pursuant to section 5-5-303, MCA.

Adopted April 20, 2021

SENATE RESOLUTION NO. 83

A RESOLUTION OF THE SENATE OF THE STATE OF MONTANA CONCURRING IN, CONFIRMING, AND CONSENTING TO THE APPOINTMENTS TO THE BOARD OF PUBLIC EDUCATION MADE BY THE GOVERNOR AND SUBMITTED BY WRITTEN COMMUNICATION DATED JANUARY 14, 2021, TO THE SENATE.

WHEREAS, the Governor of the State of Montana has made the appointments, below designated, that have been submitted to the Senate by the Governor pursuant to section 5-5-302, MCA:

As members of the Board of Public Education, in accordance with section 2-15-1508, MCA:

Jane Lee Hamman, Clancy, Montana, appointed to a term ending January 31, 2025.

Mary Heller, Havre, Montana, appointed to a term ending January 31, 2027.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE STATE OF MONTANA:

That the Senate of the Regular Session of the 67th Legislature of the State of Montana does hereby concur in, confirm, and consent to the above appointments and that the Secretary of the Senate immediately deliver a copy of this resolution to the Secretary of State and to the Governor pursuant to section 5-5-303, MCA.

Adopted March 16, 2021

SENATE RESOLUTION NO. 84

A RESOLUTION OF THE SENATE OF THE STATE OF MONTANA CONCURRING IN, CONFIRMING, AND CONSENTING TO THE APPOINTMENTS TO THE MONTANA HISTORICAL SOCIETY BOARD OF TRUSTEES MADE BY THE GOVERNOR AND SUBMITTED BY WRITTEN COMMUNICATION DATED JANUARY 14, 2021, TO THE SENATE.

WHEREAS, the Governor of the State of Montana has made the appointments, below designated, that have been submitted to the Senate by the Governor pursuant to section 5-5-302, MCA:

As members of the Montana Historical Society Board of Trustees, in accordance with section 22-3-104, MCA:

Jestin Dupree, Poplar, Montana, appointed to a term ending June 30, 2024.

Tim Fox, Clancy, Montana, appointed to a term ending June 30, 2024.

William Jones, Harlowton, Montana, appointed to a term ending June 30, 2024.

Ken Robison, Great Falls, Montana, appointed to a term ending June 30, 2025.

Norma Ashby Smith, Great Falls, Montana, appointed to a term ending June 30, 2025.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE STATE OF MONTANA:

That the Senate of the Regular Session of the 67th Legislature of the State of Montana does hereby concur in, confirm, and consent to the above appointments and that the Secretary of the Senate immediately deliver a copy of this resolution to the Secretary of State and to the Governor pursuant to section 5-5-303, MCA.

Adopted March 25, 2021

SENATE RESOLUTION NO. 85

A RESOLUTION OF THE SENATE OF THE STATE OF MONTANA CONCURRING IN, CONFIRMING, AND CONSENTING TO THE APPOINTMENT TO THE BOARD OF VETERANS' AFFAIRS MADE BY THE GOVERNOR AND SUBMITTED BY WRITTEN COMMUNICATION DATED MARCH 2, 2021, TO THE SENATE.

WHEREAS, the Governor of the State of Montana has made the appointment, below designated, that has been submitted to the Senate by the Governor pursuant to section 5-5-302, MCA:

As a member of the Board of Veterans' Affairs, in accordance with section 2-15-1205, MCA:

Ryan Beston, Poplar, Montana, for a term ending December 31, 2024.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE STATE OF MONTANA:

That the Senate of the Regular Session of the 67th Legislature of the State of Montana does hereby concur in, confirm, and consent to the above appointment and that the Secretary of the Senate immediately deliver a copy of this resolution to the Secretary of State and to the Governor pursuant to section 5-5-303, MCA.

Adopted April 20, 2021

SENATE RESOLUTION NO. 86

A RESOLUTION OF THE SENATE OF THE STATE OF MONTANA CONCURRING IN, CONFIRMING, AND CONSENTING TO THE APPOINTMENTS TO THE PUBLIC EMPLOYEES' RETIREMENT BOARD MADE BY THE GOVERNOR AND SUBMITTED BY WRITTEN COMMUNICATION DATED JANUARY 14, 2021, TO THE SENATE.

WHEREAS, the Governor of the State of Montana has made the appointments, below designated, that have been submitted to the Senate by the Governor pursuant to section 5-5-302, MCA:

As members of the Public Employees' Retirement Board, in accordance with section 2-15-1009, MCA:

Sonja Woods, Miles City, Montana, for a term ending March 31, 2022.

Jason Strouf, Miles City, Montana, for a term ending March 31, 2024.

Terry Halpin, Billings, Montana, for a term ending March 31, 2025.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE STATE OF MONTANA:

That the Senate of the Regular Session of the 67th Legislature of the State of Montana does hereby concur in, confirm, and consent to the above appointments and that the Secretary of the Senate immediately deliver a copy of this resolution to the Secretary of State and to the Governor pursuant to section 5-5-303, MCA.

Adopted April 20, 2021

SENATE RESOLUTION NO. 87

A RESOLUTION OF THE SENATE OF THE STATE OF MONTANA CONCURRING IN, CONFIRMING, AND CONSENTING TO THE APPOINTMENTS TO THE BOARD OF LIVESTOCK MADE BY THE GOVERNOR AND SUBMITTED BY WRITTEN COMMUNICATION DATED JANUARY 14, 2021.

WHEREAS, the Governor of the State of Montana has made the appointments, below designated, that have been submitted to the Senate by the Governor pursuant to section 5-5-302, MCA:

As members of the Board of Livestock, in accordance with section 2-15-3102, MCA:

Jake Feddes, Belgrade, Montana, appointed to a term ending February 28, 2025.

Greg Wichman, Hilger, Montana, appointed to a term ending February 28, 2025.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE STATE OF MONTANA:

That the Senate of the Regular Session of the 67th Legislature of the State of Montana does hereby concur in, confirm, and consent to the above appointments and that the Secretary of the Senate immediately deliver a copy of this resolution to the Secretary of State and to the Governor pursuant to section 5-5-303, MCA.

Adopted March 23, 2021

SENATE RESOLUTION NO. 88

A RESOLUTION OF THE SENATE OF THE STATE OF MONTANA CONCURRING IN, CONFIRMING, AND CONSENTING TO THE APPOINTMENTS TO THE FISH AND WILDLIFE COMMISSION MADE BY THE GOVERNOR AND SUBMITTED BY WRITTEN COMMUNICATION DATED JANUARY 13, 2021, TO THE SENATE.

WHEREAS, the Governor of the State of Montana has made the appointments, below designated, that have been submitted to the Senate by the Governor pursuant to section 5-5-302, MCA:

As members of the Fish and Wildlife Commission, in accordance with section 2-15-3402, MCA:

Patrick Tabor, Whitefish, Montana, appointed to a term ending January 1, 2025.

K.C. Walsh, Martinsdale, Montana, appointed to a term ending January 1, 2025.

Brian Cebull, Billings, Montana, appointed to a term ending January 1, 2025.

Lesley Robinson, Dodson, Montana, appointed to a term ending January 1, 2023.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE STATE OF MONTANA:

That the Senate of the Regular Session of the 67th Legislature of the State of Montana does hereby concur in, confirm, and consent to the above appointments and that the Secretary of the Senate immediately deliver a copy of this resolution to the Secretary of State and to the Governor pursuant to section 5-5-303, MCA.

Adopted April 1, 2021

SENATE RESOLUTION NO. 89

A RESOLUTION OF THE SENATE OF THE STATE OF MONTANA CONCURRING IN, CONFIRMING, AND CONSENTING TO THE APPOINTMENT TO THE BOARD OF HAIL INSURANCE MADE BY THE GOVERNOR AND SUBMITTED BY WRITTEN COMMUNICATION DATED JANUARY 14, 2021, TO THE SENATE.

WHEREAS, the Governor of the State of Montana has made the appointment, below designated, that has been submitted to the Senate by the Governor pursuant to section 5-5-302, MCA:

As a member of the Board of Hail Insurance, in accordance with section 2-15-3003, MCA:

Vince Mattson, Chester, Montana, appointed to a term ending January 1, 2023.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE STATE OF MONTANA:

That the Senate of the Regular Session of the 67th Legislature of the State of Montana does hereby concur in, confirm, and consent to the above appointment and that the Secretary of the Senate immediately deliver a copy of this resolution to the Secretary of State and to the Governor pursuant to section 5-5-303, MCA.

Adopted March 23, 2021

SENATE RESOLUTION NO. 90

A RESOLUTION OF THE SENATE OF THE STATE OF MONTANA CONCURRING IN, CONFIRMING, AND CONSENTING TO THE APPOINTMENT TO THE BOARD OF PERSONNEL APPEALS MADE BY THE GOVERNOR AND SUBMITTED BY WRITTEN COMMUNICATION DATED MARCH 2, 2021, TO THE SENATE.

WHEREAS, the Governor of the State of Montana has made the appointment, below designated, that has been submitted to the Senate by the Governor pursuant to section 5-5-302, MCA:

As a member of the Board of Personnel Appeals, in accordance with section 2-15-1705, MCA:

Brooke Shelley, Helena, Montana, appointed to a term ending April 1, 2026.
NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE STATE OF MONTANA:

That the Senate of the Regular Session of the 67th Legislature of the State of Montana does hereby concur in, confirm, and consent to the above appointment and that the Secretary of the Senate immediately deliver a copy of this resolution to the Secretary of State and to the Governor pursuant to section 5-5-303, MCA.

Adopted March 26, 2021

SENATE RESOLUTION NO. 91

A RESOLUTION OF THE SENATE OF THE STATE OF MONTANA CONCURRING IN, CONFIRMING, AND CONSENTING TO THE APPOINTMENTS TO THE BOARD OF BARBERS AND COSMETOLOGISTS MADE BY THE GOVERNOR AND SUBMITTED BY WRITTEN COMMUNICATION DATED JANUARY 14, 2021, TO THE SENATE.

WHEREAS, the Governor of the State of Montana has made the appointments, below designated, that have been submitted to the Senate by the Governor pursuant to section 5-5-302, MCA:

As members of the Board of Barbers and Cosmetologists, in accordance with section 2-15-1747, MCA:

Bryan Kirkland, Bozeman, Montana, appointed to a term ending October 1, 2025.

Lauren Hansen, Missoula, Montana, appointed to a term ending October 1, 2025.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE STATE OF MONTANA:

That the Senate of the Regular Session of the 67th Legislature of the State of Montana does hereby concur in, confirm, and consent to the above appointments and that the Secretary of the Senate immediately deliver a copy

of this resolution to the Secretary of State and to the Governor pursuant to section 5-5-303, MCA.

Adopted March 31, 2021

SENATE RESOLUTION NO. 92

A RESOLUTION OF THE SENATE OF THE STATE OF MONTANA CONCURRING IN, CONFIRMING, AND CONSENTING TO AN APPOINTMENT TO THE STATE ELECTRICAL BOARD MADE BY THE GOVERNOR AND SUBMITTED BY WRITTEN COMMUNICATION DATED JANUARY 14, 2021, TO THE SENATE.

WHEREAS, the Governor of the State of Montana has made the appointment, below designated, that has been submitted to the Senate by the Governor pursuant to section 5-5-302, MCA:

As a member of the State Electrical Board, in accordance with section 2-15-1764, MCA:

Derrick Hedalen, Townsend, Montana, appointed to a term ending July 1, 2025.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE STATE OF MONTANA:

That the Senate of the Regular Session of the 67th Legislature of the State of Montana does hereby concur in, confirm, and consent to the above appointment and that the Secretary of the Senate immediately deliver a copy of this resolution to the Secretary of State and to the Governor pursuant to section 5-5-303, MCA.

Adopted April 29, 2021

SENATE RESOLUTION NO. 93

A RESOLUTION OF THE SENATE OF THE STATE OF MONTANA CONCURRING IN, CONFIRMING, AND CONSENTING TO THE APPOINTMENT TO THE BOARD OF OUTFITTERS MADE BY THE GOVERNOR AND SUBMITTED BY WRITTEN COMMUNICATION DATED JANUARY 13, 2021, TO THE SENATE.

WHEREAS, the Governor of the State of Montana has made the appointment, below designated, that has been submitted to the Senate by the Governor pursuant to section 5-5-302, MCA:

As a member of the Board of Outfitters, in accordance with section 2-15-1773, MCA:

John Way, Ennis, Montana, appointed to a term ending October 1, 2023.
NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE STATE OF MONTANA:

That the Senate of the Regular Session of the 67th Legislature of the State of Montana does hereby concur in, confirm, and consent to the above appointment and that the Secretary of the Senate immediately deliver a copy of this resolution to the Secretary of State and to the Governor pursuant to section 5-5-303, MCA.

Adopted April 21, 2021

SENATE RESOLUTION NO. 94

A RESOLUTION OF THE SENATE OF THE STATE OF MONTANA CONCURRING IN, CONFIRMING, AND CONSENTING TO THE APPOINTMENTS TO THE BOARD OF PUBLIC ASSISTANCE MADE BY THE GOVERNOR AND SUBMITTED BY WRITTEN COMMUNICATION DATED MARCH 13, 2021, TO THE SENATE.

WHEREAS, the Governor of the State of Montana has made the appointments, below designated, that have been submitted to the Senate by the Governor pursuant to sections 5-5-301 and 5-5-302, MCA:

As members of the Board of Public Assistance, in accordance with section 2-15-2203, MCA:

Sharon Bonogofsky-Parker, Billings, Montana, appointed to a term ending January 5, 2025.

Danielle Shyne, Bozeman, Montana, appointed to a term ending January 5, 2025.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE STATE OF MONTANA:

That the Senate of the Regular Session of the 67th Legislature of the State of Montana does hereby concur in, confirm, and consent to the above appointments and that the Secretary of the Senate immediately deliver a copy of this resolution to the Secretary of State and to the Governor pursuant to section 5-5-303, MCA.

Adopted March 31, 2021

SENATE RESOLUTION NO. 95

A RESOLUTION OF THE SENATE OF THE STATE OF MONTANA CONCURRING IN, CONFIRMING, AND CONSENTING TO THE APPOINTMENTS TO THE MONTANA BOARD OF CRIME CONTROL MADE BY THE GOVERNOR AND SUBMITTED BY WRITTEN COMMUNICATIONS DATED MARCH 11, 2021, AND APRIL 6, 2021, TO THE SENATE.

WHEREAS, the Governor of the State of Montana has made the appointments, below designated, that have been submitted to the Senate by the Governor pursuant to section 5-5-302, MCA:

As members of the Montana Board of Crime Control, in accordance with section 2-15-2306, MCA:

Amy Tenney, Helena, Montana, appointed to a term ending January 5, 2025.

Jared Cobell, Great Falls, Montana, appointed to a term ending January 5, 2025.

Shantelle Gaynor, Missoula, Montana, appointed to a term ending January 5, 2025.

Michael Sanders, Helena, Montana, appointed to a term ending January 5, 2025.

Terry Boyd, Billings, Montana, appointed to a term ending January 5, 2025.

Wyatt Glade, Miles City, Montana, appointed to a term ending January 5, 2025.

Wyatt English, Miles City, Montana, appointed to a term ending January 5, 2025.

Leo Dutton, Helena, Montana, appointed to a term ending January 5, 2025.

Meaghan Mulcahy, Butte, Montana, appointed to a term ending January 5, 2025.

Hon. Kaydee Snipes Ruiz, Havre, Montana, appointed to a term ending January 1, 2023.

Rhonda Lindquist, Helena, Montana, appointed to a term ending January 1, 2023.

Director Brian Gootkin, Helena, Montana, appointed to a term ending January 5, 2025.

Attorney General Austin Knudsen, appointed to a term ending January 5, 2025.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE STATE OF MONTANA:

That the Senate of the Regular Session of the 67th Legislature of the State of Montana does hereby concur in, confirm, and consent to the above appointments and that the Secretary of the Senate immediately deliver a copy of this resolution to the Secretary of State and to the Governor pursuant to section 5-5-303, MCA.

Adopted April 9, 2021

SENATE RESOLUTION NO. 96

A RESOLUTION OF THE SENATE OF THE STATE OF MONTANA CONCURRING IN, CONFIRMING, AND CONSENTING TO THE APPOINTMENTS TO THE BOARD OF COUNTY PRINTING MADE BY THE GOVERNOR AND SUBMITTED BY WRITTEN COMMUNICATION DATED MARCH 2, 2021, TO THE SENATE.

WHEREAS, the Governor of the State of Montana has made the appointments, below designated, that have been submitted to the Senate by the Governor pursuant to section 5-5-302, MCA:

As members of the Board of County Printing, in accordance with section 2-15-1026, MCA:

Jonathan McNiven, Huntley, Montana, for a term ending March 31, 2023.

David McCumber, Butte, Montana, for a term ending March 31, 2023.

James Larson, Belt, Montana, for a term ending March 31, 2023.

Mary Armstrong, Glasgow, Montana, for a term ending March 31, 2023.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE STATE OF MONTANA:

That the Senate of the Regular Session of the 67th Legislature of the State of Montana does hereby concur in, confirm, and consent to the above appointments and that the Secretary of the Senate immediately deliver a copy of this resolution to the Secretary of State and to the Governor pursuant to section 5-5-303, MCA.

Adopted April 20, 2021

SENATE RESOLUTION NO. 97

A RESOLUTION OF THE SENATE OF THE STATE OF MONTANA DIRECTING IMMEDIATE LEGAL INTERVENTION ON BEHALF OF THE MONTANA LEGISLATURE AND THE SENATE AS AN INDISPENSABLE PARTY IN ORDER TO PROTECT THE INTEGRITY OF THE LEGISLATIVE BRANCH AND ITS ABILITY TO FULFILL ITS CONSTITUTIONAL ROLE AND APPLY ASSOCIATED STATUTES AND RELEVANT RULES OF THE SENATE.

WHEREAS, Article VII, section 8, of the Montana Constitution authorizes the Governor to appoint a replacement supreme court justice or district court judge from “nominees selected in a manner provided by law”; and

WHEREAS, during the 67th Legislative Session, the Senate of the State of Montana passed Senate Bill 140 to eliminate the Judicial Nomination Commission and allow the Governor to directly appoint nominees to fill judicial vacancies subject to confirmation by a majority of the Senate as set forth in Article VI, section 8, of the Montana Constitution; and

WHEREAS, following passage by both chambers of the Montana Legislature, Senate Bill 140 was signed by the President of the Senate on March 9, 2021, and signed by the Speaker of the House on March 10, 2021; and

WHEREAS, on March 10, 2021, Senate Bill 140 was transmitted to Governor Greg Gianforte; and

WHEREAS, on March 17, 2021, Governor Greg Gianforte signed Senate Bill 140 into law; and

WHEREAS, also on March 17, 2021, a Petition for Original Jurisdiction (case number OP 21-0125) was filed in the Montana Supreme Court on behalf of Dorothy Bradley, Bob Brown, Mae Nan Ellingson, Vernon Finley, and Montana League of Women Voters challenging the constitutionality of Senate Bill 140; and

WHEREAS, the petitioners named Governor Greg Gianforte as the sole respondent but failed in their petition to the Court to name the Senate as an indispensable party that acted in its constitutional and statutory capacity in exercising its legislative authority to change the manner by which judicial nominees are selected; and

WHEREAS, the Petition for Original Jurisdiction and the relief sought would thwart the Montana Legislature’s and the Senate’s constitutional authority to exercise legislative power.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE STATE OF MONTANA:

That the Legislative Services Division Legal Services Office shall contract for legal services to handle all legal proceedings in the matters subject to this resolution.

Adopted April 12, 2021

SENATE RESOLUTION NO. 98

A RESOLUTION OF THE SENATE OF THE STATE OF MONTANA CONCURRING IN, CONFIRMING, AND CONSENTING TO THE APPOINTMENTS TO THE MONTANA ARTS COUNCIL MADE BY THE GOVERNOR AND SUBMITTED BY WRITTEN COMMUNICATION DATED JANUARY 14, 2021, TO THE SENATE.

WHEREAS, the Governor of the State of Montana has made the appointments, below designated, that have been submitted to the Senate by the Governor pursuant to section 5-5-302, MCA:

As members of the Montana Arts Council, in accordance with section 22-2-102, MCA:

Sarah Calhoun, White Sulphur Springs, Montana, appointed to a term ending January 31, 2025.

Wylie Gustafson, Conrad, Montana, appointed to a term ending January 31, 2025.

Linda Netschert, Helena, Montana, appointed to a term ending January 31, 2025.

Steve Zabel, Bozeman, Montana, appointed to a term ending January 31, 2023.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE STATE OF MONTANA:

That the Senate of the Regular Session of the 67th Legislature of the State of Montana does hereby concur in, confirm, and consent to the above appointments and that the Secretary of the Senate immediately deliver a copy of this resolution to the Secretary of State and to the Governor pursuant to section 5-5-303, MCA.

Adopted April 14, 2021

SENATE RESOLUTION NO. 99

A RESOLUTION OF THE SENATE OF THE STATE OF MONTANA CONCURRING IN, CONFIRMING, AND CONSENTING TO THE APPOINTMENTS TO THE BOARD OF OUTFITTERS MADE BY THE GOVERNOR AND SUBMITTED BY WRITTEN COMMUNICATION DATED APRIL 7, 2021, TO THE SENATE.

WHEREAS, the Governor of the State of Montana has made the appointments, below designated, that have been submitted to the Senate by the Governor pursuant to section 5-5-302, MCA:

As members of the Board of Outfitters, in accordance with section 2-15-1773, MCA:

Chris Gentry, Ennis, Montana, appointed to a term ending October 1, 2023.

Wagner Harmon, Bainville, Montana, appointed to a term ending October 1, 2023.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE STATE OF MONTANA:

That the Senate of the Regular Session of the 67th Legislature of the State of Montana does hereby concur in, confirm, and consent to the above appointments and that the Secretary of the Senate immediately deliver a copy of this resolution to the Secretary of State and to the Governor pursuant to section 5-5-303, MCA.

Adopted April 21, 2021

2020 BALLOT ISSUES

**Approved by Voters in the
November 2020 General Election**

CONSTITUTIONAL AMENDMENT NO. 46

AN AMENDMENT TO THE CONSTITUTION PROPOSED BY THE LEGISLATURE

The 2019 Legislature submitted this constitutional amendment for a vote. C-46 modifies the state constitution to specify proposed petitions for constitutional amendments from the people must be signed by at least ten percent of the qualified electors in two-fifths of the legislative districts. It repeals a different standard found to be unconstitutional in 2005.

THE COMPLETE TEXT OF HOUSE BILL NO. 244, REFERRED BY C-46
AN ACT SUBMITTING TO THE QUALIFIED ELECTORS OF MONTANA
AN AMENDMENT TO ARTICLE XIV, SECTION 9, OF THE MONTANA
CONSTITUTION TO REVISE THE METHOD OF QUALIFYING A
CONSTITUTIONAL AMENDMENT BY INITIATIVE FOR THE BALLOT;
AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, voters at the November 5, 2002, general election approved amendments to this article changing signature requirements for constitutional amendments by initiative petitions from “at least ten percent of the qualified electors in each of two-fifths of the legislative districts” to “at least ten percent of the qualified electors in each of at least one-half of the counties”; and

WHEREAS, in 2005 in *Montana Public Interest Research Group v. Johnson*, 361 F. Supp. 2d 1222 (D.C. Mont. 2005), the federal District Court declared that the newly approved county signature distribution requirements for petitions for constitutional amendments by initiative violated the Equal Protection Clause of the 14th Amendment to the United States Constitution because they allocated equal power to counties of unequal populations; and

WHEREAS, the federal District Court permanently enjoined Montana from enforcing the county distribution requirements; and

WHEREAS, subsequently, the Attorney General of Montana issued an opinion, 51 A.G. Op. 2 (2005), holding that the judicial decision restored the original legislative district distribution requirements as they existed before the approval of the invalid amendments; and

WHEREAS, the court’s decision and the Attorney General’s opinion did not alter the official, printed text of Article XIV, section 9, as amended, but they did affect the meaning and interpretation of that section; and

WHEREAS, the current official text of the Montana Constitution is confusing and inaccurate and does not reflect the current state of the law to qualify an initiative for a constitutional amendment for the ballot; and

WHEREAS, the Montana Constitution’s text should accurately reflect how an initiative for a constitutional amendment may qualify for the ballot; and

WHEREAS, this amendment will ensure public transparency by conforming the official text of the Montana Constitution with current constitutional amendment initiative petition signature requirements.

Be it enacted by the Legislature of the State of Montana:

Section 1. Article XIV, section 9, of The Constitution of the State of Montana is amended to read:

“Section 9. Amendment by initiative. (1) The people may also propose constitutional amendments by initiative. Petitions including the full text of the proposed amendment shall be signed by at least ten percent of the qualified electors of the state. That number shall include at least ten percent of the qualified electors in each of ~~at least one-half of the counties~~ *two-fifths of the legislative districts*.

(2) The petitions shall be filed with the secretary of state. If the petitions are found to have been signed by the required number of electors, the secretary of state shall cause the amendment to be published as provided by law twice each month for two months previous to the next regular state-wide election.

(3) At that election, the proposed amendment shall be submitted to the qualified electors for approval or rejection. If approved by a majority voting thereon, it shall become a part of the constitution effective the first day of July following its approval, unless the amendment provides otherwise.”

Section 2. Two-thirds vote required. Because [section 1] is a legislative proposal to amend the constitution, Article XIV, section 8, of the Montana constitution requires an affirmative roll call vote of two-thirds of all the members of the legislature, whether one or more bodies, for passage.

Section 3. Effective date. [This act] is effective upon approval by the electorate.

Section 4. Submission to electorate. [This act] shall be submitted to the qualified electors of Montana at the general election to be held in November 2020 by printing on the ballot the full title of [this act] and the following:

Constitutional Amendment No. 46 was approved by the following vote at the General Election held November 3, 2020:

For: 426,279
Against: 128,295

CONSTITUTIONAL AMENDMENT NO. 47

AN AMENDMENT TO THE CONSTITUTION PROPOSED BY THE LEGISLATURE

The 2019 Legislature submitted this constitutional amendment for a vote. C-47 modifies the state constitution to specify proposed petitions for citizen ballot initiatives must be signed by at least five percent of the qualified electors in one third of the legislative districts. It repeals a different standard found to be unconstitutional in 2005.

THE COMPLETE TEXT OF HOUSE BILL NO. 245, REFERRED BY C-47
AN ACT SUBMITTING TO THE QUALIFIED ELECTORS OF MONTANA
AN AMENDMENT TO ARTICLE III, SECTION 4, OF THE MONTANA
CONSTITUTION TO REVISE THE METHOD OF QUALIFYING AN
INITIATIVE FOR THE BALLOT; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, voters at the November 5, 2002, general election approved amendments to this article changing signature requirements for initiative petitions from “at least five percent of the qualified electors in each of at least one-third of legislative representative districts” to “at least five percent of the qualified electors in each of at least one-half of counties”; and

WHEREAS, in 2005 in *Montana Public Interest Research Group v. Johnson*, 361 F. Supp. 2d 1222 (D.C. Mont. 2005), the federal District Court declared that the newly approved constitutional county distribution requirements for signatures for initiative petitions violated the Equal Protection Clause of the 14th Amendment to the United States Constitution because they allocated equal power to counties of unequal populations; and

WHEREAS, the federal District Court permanently enjoined Montana from enforcing the county distribution requirements; and

WHEREAS, subsequently, the Attorney General of Montana issued an opinion, 51 A.G. Op. 2 (2005), holding that the judicial decision restored the original legislative district distribution requirements as they existed before the approval of the invalid amendments; and

WHEREAS, the court's decision and the Attorney General's opinion did not alter the official, printed text of Article III, section 4, as amended, but they did affect the meaning and interpretation of that section; and

WHEREAS, the current official text of the Montana Constitution is confusing and inaccurate and does not reflect the current state of the law to qualify an initiative for the ballot; and

WHEREAS, the Montana Constitution's text should accurately reflect how an initiative may qualify for the ballot; and

WHEREAS, this amendment will ensure public transparency by conforming the official text of the Montana Constitution with current initiative petition signature requirements.

Be it enacted by the Legislature of the State of Montana:

Section 1. Article III, section 4, of The Constitution of the State of Montana is amended to read:

"Section 4. Initiative. (1) The people may enact laws by initiative on all matters except appropriations of money and local or special laws.

(2) Initiative petitions must contain the full text of the proposed measure, shall be signed by at least five percent of the qualified electors in each of ~~at least one-half of the counties~~ *one-third of the legislative representative districts* and the total number of signers must be at least five percent of the total qualified electors of the state. Petitions shall be filed with the secretary of state at least three months prior to the election at which the measure will be voted upon.

(3) The sufficiency of the initiative petition shall not be questioned after the election is held."

Section 2. Two-thirds vote required. Because [section 1] is a legislative proposal to amend the constitution, Article XIV, section 8, of the Montana constitution requires an affirmative roll call vote of two-thirds of all the members of the legislature, whether one or more bodies, for passage.

Section 3. Effective date. [This act] is effective upon approval by the electorate.

Section 4. Submission to electorate. [This act] shall be submitted to the qualified electors of Montana at the general election to be held in November 2020 by printing on the ballot the full title of [this act] and the following:

Constitutional Amendment No. 47 was approved by the following vote at the General Election held November 3, 2020:

For: 411,153

Against: 140,300

CONSTITUTIONAL INITIATIVE NO. 118

A CONSTITUTIONAL AMENDMENT PROPOSED BY INITIATIVE PETITION

Under the Montana Constitution, a person 18 years of age or older is an adult, except that the legislature or the people by initiative may establish the legal age of purchasing, consuming, or possessing alcoholic beverages. CI-118 amends the Montana Constitution to allow the legislature or the people by initiative to establish the legal age for purchasing, consuming, or possessing marijuana.

THE COMPLETE TEXT OF CONSTITUTIONAL INITIATIVE NO. 118

Section 1. Article II, section 14, of the Montana Constitution is amended to read:

“Section 14. Adult Rights. A person 18 years of age or older is an adult for all purposes, except that the legislature or the people by initiative may establish the legal age for purchasing, consuming, or possessing alcoholic beverages *and marijuana*.”

Constitutional Initiative No. 118 was approved by the following vote at the General Election held November 3, 2020:

For: 340,847

Against: 248,442

LEGISLATIVE REFERENDUM NO. 130 (HB 357)

AN ACT REFERRED BY THE LEGISLATURE

The 2019 Legislature submitted this proposal for a vote. LR-130 generally restricts a county, city, town, consolidated local government, or other local government unit's authority to regulate the carrying of firearms. It removes a local government unit's power to regulate the carrying of permitted concealed weapons or to restrict the carrying of unconcealed firearms except in publicly owned and occupied buildings under the local government unit's jurisdiction. It repeals a local government unit's authority to prevent or suppress the possession of firearms by convicted felons, adjudicated mental incompetents, illegal aliens, and minors. Federal and other state firearm restrictions would remain unchanged, including for these individuals. Local firearm ordinances that conflict with LR-130 could not be enforced.

THE COMPLETE TEXT OF HOUSE BILL NO. 357,
REFERRED BY LR-130

AN ACT REVISING FIREARMS LAWS TO SECURE THE RIGHT TO KEEP AND BEAR ARMS AND TO PREVENT A PATCHWORK OF RESTRICTIONS BY LOCAL GOVERNMENTS ACROSS THE STATE AND PROVIDING THAT LOCAL GOVERNMENTS MAY NOT REGULATE THE CARRYING OF CONCEALED WEAPONS; PROVIDING THAT THE PROPOSED ACT BE SUBMITTED TO THE QUALIFIED ELECTORS OF MONTANA; AMENDING SECTIONS 7-1-111 AND 45-8-351, MCA; AND PROVIDING AN EFFECTIVE DATE.

Be it enacted by the Legislature of the State of Montana:

Section 1. Policy. It is the policy of the state that the citizens of the state should be aware of, understand, and comply with any restrictions on the right to keep or bear arms that the people have reserved to themselves in Article II, section 12, of the Montana constitution, and that to minimize confusion the legislature withholds from local governments the power to restrict or regulate the possession of firearms.

Section 2. Section 7-1-111, MCA, is amended to read:

“7-1-111. Powers denied. A local government unit with self-government powers is prohibited from exercising the following:

(1) any power that applies to or affects any private or civil relationship, except as an incident to the exercise of an independent self-government power;

(2) any power that applies to or affects the provisions of 7-33-4128 or Title 39, except that subject to those provisions, it may exercise any power of a public employer with regard to its employees;

(3) any power that applies to or affects the public school system, except that a local unit may impose an assessment reasonably related to the cost of any service or special benefit provided by the unit and shall exercise any power that it is required by law to exercise regarding the public school system;

(4) any power that prohibits the grant or denial of a certificate of compliance or a certificate of public convenience and necessity pursuant to Title 69, chapter 12;

(5) any power that establishes a rate or price otherwise determined by a state agency;

(6) any power that applies to or affects any determination of the department of environmental quality with regard to any mining plan, permit, or contract;

(7) any power that applies to or affects any determination by the department of environmental quality with regard to a certificate of compliance;

(8) any power that defines as an offense conduct made criminal by state statute, that defines an offense as a felony, or that fixes the penalty or sentence for a misdemeanor in excess of a fine of \$500, 6 months' imprisonment, or both, except as specifically authorized by statute;

(9) any power that applies to or affects the right to keep or bear arms; ~~except that a local government has the power to regulate the carrying of concealed weapons;~~

(10) any power that applies to or affects a public employee's pension or retirement rights as established by state law, except that a local government may establish additional pension or retirement systems;

(11) any power that applies to or affects the standards of professional or occupational competence established pursuant to Title 37 as prerequisites to the carrying on of a profession or occupation;

(12) except as provided in 7-3-1105, 7-3-1222, or 7-31-4110, any power that applies to or affects Title 75, chapter 7, part 1, or Title 87;

(13) any power that applies to or affects landlords, as defined in 70-24-103, when that power is intended to license landlords or to regulate their activities with regard to tenants beyond what is provided in Title 70, chapters 24 and 25. This subsection is not intended to restrict a local government's ability to require landlords to comply with ordinances or provisions that are applicable to all other businesses or residences within the local government's jurisdiction.

(14) subject to 7-32-4304, any power to enact ordinances prohibiting or penalizing vagrancy;

(15) subject to 80-10-110, any power to regulate the registration, packaging, labeling, sale, storage, distribution, use, or application of commercial fertilizers or soil amendments, except that a local government may enter into a cooperative agreement with the department of agriculture concerning the use and application of commercial fertilizers or soil amendments. This subsection is not intended to prevent or restrict a local government from adopting or implementing zoning regulations or fire codes governing the physical location or siting of fertilizer manufacturing, storage, and sales facilities.

(16) subject to 80-5-136(10), any power to regulate the cultivation, harvesting, production, processing, sale, storage, transportation, distribution, possession, use, and planting of agricultural seeds or vegetable seeds as defined in 80-5-120. This subsection is not intended to prevent or restrict a local government from adopting or implementing zoning regulations or building codes governing the physical location or siting of agricultural or vegetable seed production, processing, storage, sales, marketing, transportation, or distribution facilities.

(17) any power that prohibits the operation of a mobile amateur radio station from a motor vehicle, including while the vehicle is in motion, that is operated by a person who holds an unrevoked and unexpired official amateur radio station license and operator's license, "technician" or higher class, issued by the federal communications commission of the United States;

(18) subject to 76-2-240 and 76-2-340, any power that prevents the erection of an amateur radio antenna at heights and dimensions sufficient to accommodate amateur radio service communications by a person who holds an unrevoked and unexpired official amateur radio station license and operator's license, "technician" or higher class, issued by the federal communications commission of the United States;

(19) any power to require a fee and a permit for the movement of a vehicle, combination of vehicles, load, object, or other thing of a size exceeding the maximum specified in 61-10-101 through 61-10-104 on a highway that is under the jurisdiction of an entity other than the local government unit;

(20) any power to enact an ordinance governing the private use of an unmanned aerial vehicle in relation to a wildfire."

Section 3. Section 45-8-351, MCA, is amended to read:

"45-8-351. Restriction on local government regulation of firearms.

(1) Except as provided in subsection (2), a county, city, town, consolidated local government, or other local government unit may not prohibit, register, tax, license, or regulate the purchase, sale or other transfer (including delay in purchase, sale, or other transfer), ownership, possession, transportation, use, or unconcealed carrying of any weapon, including a rifle, shotgun, handgun, or concealed handgun.

(2) (a) For public safety purposes, a city or town may regulate the discharge of rifles, shotguns, and handguns. A county, city, town, consolidated local government, or other local government unit has power to prevent and suppress the carrying of *unpermitted concealed weapons or the carrying of unconcealed weapons to a public assembly, publicly owned and occupied building, park under its jurisdiction, or school, and the possession of firearms by convicted felons, adjudicated mental incompetents, illegal aliens, and minors.*

(b) Nothing contained in this section allows any government to prohibit the legitimate display of firearms at shows or other public occasions by collectors and others or to prohibit the legitimate transportation of firearms through any jurisdiction, whether in airports or otherwise.

(c) A local ordinance enacted pursuant to this section may not prohibit a legislative security officer who has been issued a concealed weapon permit from carrying a concealed weapon in the state capitol as provided in 45-8-317."

Section 4. Codification instruction. [Section 1] is intended to be codified as an integral part of Title 45, chapter 8, part 3, and the provisions of Title 45, chapter 8, part 3, apply to [section 1].

Section 5. Coordination instruction. If House Bill No. 325 is passed and approved, then [this act] is void.

Section 6. Effective date. If approved by the electorate, [this act] is effective January 1, 2021.

Section 7. Submission to electorate. [This act] shall be submitted to the qualified electors of Montana at the general election to be held in November 2020 by printing on the ballot the full title of [this act] and the following:

Legislative Referendum No. 130 was approved by the following vote at the General Election held November 3, 2020:

For:	298,388
Against:	287,129

INITIATIVE NO. 190

A LAW PROPOSED BY INITIATIVE PETITION

I-190 legalizes the possession and use of limited amounts of marijuana for adults over the age of 21. I-190 requires the Department of Revenue to license and regulate the cultivation, transportation, and sale of marijuana and marijuana-infused products and to inspect premises where marijuana is cultivated and sold. It requires licensed laboratories to test marijuana and marijuana-infused products for potency and contaminants. I-190 establishes a 20% tax on non-medical marijuana. 10.5% of the tax revenue goes to the state general fund, with the rest dedicated to accounts for conservation programs, substance abuse treatment, veterans' services, healthcare costs, and localities where marijuana is sold. I-190 allows a person currently serving a sentence for an act permitted by I-190 to apply for resentencing or an expungement of the conviction. I-190 prohibits advertising of marijuana and related products. Marijuana taxes and fees will generate about \$48 million annually by 2025. Marijuana fees will fund program administration and enforcement. Marijuana taxes will contribute to the general fund and special revenue accounts for conservation, veterans' services, substance abuse treatment, healthcare, and local governments. The general fund will net \$4 million.

THE COMPLETE TEXT OF INITIATIVE NO. 190

Be it enacted by the People of the State of Montana:

NEW SECTION. Section 1. Short title – purpose. (1) [Sections 1 through 36] may be cited as the “Montana Marijuana Regulation and Taxation Act.”

(2) The purpose of [sections 1 through 36] is to:

(a) provide for legal possession and use of limited amounts of marijuana for adults 21 years of age or older;

(b) provide for the licensure and regulation of commercial cultivation, manufacture, production, distribution, and sale of marijuana and marijuana-infused products;

(c) allow for limited cultivation, manufacture, delivery, and possession of marijuana as permitted by [sections 1 through 36];

(d) eliminate the illicit market for marijuana and marijuana-infused products;

(e) prevent the distribution of marijuana sold under [sections 1 through 36] to persons under 21 years of age;

(f) ensure the safety of marijuana and marijuana-infused products;

(g) ensure the security of registered premises and adult-use dispensaries;

(h) establish reporting requirements for adult-use providers and adult-use marijuana-infused products providers;

(i) establish inspection requirements for registered premises, including data collection on energy use, chemical use, water use, and packaging waste to ensure a clean and healthy environment;

(j) provide for the testing of marijuana by licensed testing laboratories;

(k) give local governments a role in establishing standards for the cultivation, manufacture, and sale of marijuana that protect the public health, safety, and welfare of residents within their jurisdictions;

(l) tax the sale of marijuana and marijuana-infused products to generate revenue for the state and provide compensation for the economic and social costs of past and current marijuana cultivation, processing, and use, by directing funding to:

(i) conservation programs to offset the use of water and soil in marijuana cultivation;

(ii) substance abuse treatment and prevention programs;

(iii) veterans services and support;

(iv) health care;

(v) localities where marijuana is sold; and

(vi) the state general fund;

(m) authorize courts to resentence persons who are currently serving sentences for acts that are permitted under [sections 1 through 36] or for which the penalty is reduced by [sections 1 through 36] and to redesignate or expunge those offenses from the criminal records of persons who have completed their sentences as set forth in [sections 1 through 36].

NEW SECTION. Section 2. Definitions. As used in [sections 1 through 36], the following definitions apply:

(1) “Adult-use dispensary” means a registered premises from which a licensed adult-use provider or adult-use marijuana-infused products provider is approved by the department to dispense marijuana or marijuana-infused products to a consumer.

(2) “Adult-use marijuana-infused products provider” means a person licensed by the department to manufacture and provide marijuana-infused products for consumers as allowed by [sections 1 through 36].

(3) “Adult-use provider” means a person licensed by the department to cultivate and process marijuana for consumers as allowed by [sections 1 through 36].

(4) “Canopy” means the total amount of square footage dedicated to live plant production at a registered premises consisting of the area of the floor, platform, or means of support or suspension of the plant.

(5) “Consumer” means a person 21 years of age or older who obtains or possesses marijuana or marijuana-infused products for personal use or for use by persons who are at least 21 years of age, but not for resale.

(6) “Correctional facility or program” means a facility or program that is described in 53-1-202 and to which an individual may be ordered by any court of competent jurisdiction.

(7) “Department” means the department of revenue provided for in 2-15-1301.

(8) (a) “Employee” means an individual employed to do something for the benefit of an employer.

(b) The term includes a manager, agent, or director of a partnership, association, company, corporation, limited liability company, or organization.

(c) The term does not include a third party with whom a licensee has a contractual relationship.

(9) “Financial interest” means a legal or beneficial interest that entitles the holder, directly or indirectly through a business, an investment, or a spouse, parent, or child relationship, to 1% or more of the net profits or net worth of the entity in which the interest is held. The term does not include interest held by a bank or licensed lending institution or a security interest, lien, or encumbrance.

(10) “Licensee” means a person holding a state license issued pursuant to [sections 1 through 36].

(11) “Local government” means a county, a consolidated government, or an incorporated city or town.

(12) “Manufacturing” means the production of marijuana concentrate.

(13) (a) "Marijuana" means all plant material from the genus *Cannabis* containing tetrahydrocannabinol (THC) or seeds of the genus capable of germination.

(b) The term does not include hemp, including any part of that plant, including the seeds and all derivatives, extracts, cannabinoids, isomers, acids, salts, and salts of isomers, whether growing or not, with a delta-9 tetrahydrocannabinol concentration of not more than three-tenths of one percent on a dry weight basis, or commodities or products manufactured with hemp, or any other ingredient combined with marijuana to prepare topical or oral administrations, food, drink, or other products.

(14) "Marijuana concentrate" means any type of marijuana product consisting wholly or in part of the resin extracted from any part of the marijuana plant.

(15) "Marijuana derivative" means any mixture or preparation of the dried leaves, flowers, resin, or byproducts of the marijuana plant, including but not limited to marijuana concentrates and marijuana-infused products.

(16) "Marijuana-infused product" means a product that contains marijuana and is intended for use by a consumer by a means other than smoking. The term includes but is not limited to edible products, ointments, and tinctures.

(17) "Mature marijuana plant" means a harvestable female marijuana plant that is flowering.

(18) "Owner" means a principal officer, director, board member, or individual who has a financial interest or voting interest of 10% or greater in an adult-use dispensary, adult-use provider, or adult-use marijuana-infused products provider.

(19) "Paraphernalia" has the meaning provided for "drug paraphernalia" in 45-10-101.

(20) "Person" means an individual, partnership, association, company, corporation, limited liability company, or organization.

(21) "Registered premises" means a location that is licensed pursuant to [sections 1 through 36] and includes:

(a) all enclosed public and private areas at the location that are used in the business operated pursuant to a license, including offices, kitchens, restrooms, and storerooms; and

(b) if the department has specifically licensed a location for outdoor cultivation, production, manufacturing, wholesale sale, or retail sale of adult-use marijuana and adult-use marijuana-infused products, the entire unit of land that is created by subsection or partition of land that the licensee owns, leases, or has the right to occupy.

(22) (a) "Resident" means an individual who meets the requirements of 1-1-215.

(b) An individual is not considered a resident for the purposes of [sections 1 through 36] if the individual:

(i) claims residence in another state or country for any purpose; or

(ii) is an absentee property owner paying property tax on property in Montana.

(23) "Seedling" means a marijuana plant that has no flowers and is less than 12 inches in height and 12 inches in diameter.

(24) "State laboratory" means the laboratory operated by the department of public health and human services to conduct environmental analyses.

(25) "Testing laboratory" has the meaning as provided in 50-46-302.

(26) "Unduly burdensome" means requiring such a high investment of money, time, or any other resource or asset to achieve compliance that a reasonably prudent businessperson would not operate.

NEW SECTION. Section 3. Department authority. The department shall license and regulate the cultivation, manufacture, transport, and sale of marijuana as allowed by [sections 1 through 36] and shall administer and enforce [sections 1 through 36].

NEW SECTION. Section 4. Department responsibilities – licensure.

(1) The department shall establish and maintain a registry of persons who receive licenses under [sections 1 through 36]. The department shall issue:

(a) licenses:

(i) to persons who apply to operate as adult-use providers or adult-use marijuana-infused products providers and who submit applications meeting the requirements of [sections 1 through 36]; and

(ii) for adult-use dispensaries established by adult-use providers or adult-use marijuana-infused products providers; and

(b) endorsements for manufacturing to an adult-use provider or an adult-use marijuana-infused products provider that applies for a manufacturing endorsement and meets requirements established by the department by rule.

(2) A person who obtains an adult-use provider license, adult-use marijuana-infused products provider license, or adult-use dispensary license, or an employee of a licensed adult-use provider or adult-use marijuana-infused products provider, is authorized to cultivate, manufacture, possess, sell, and transport marijuana as allowed by [sections 1 through 36].

(3) A person who obtains a testing laboratory license or an employee of a licensed testing laboratory is authorized to possess, test, and transport marijuana as allowed by [sections 1 through 36].

(4) The department shall conduct criminal history background checks as required by 50-46-307 and 50-46-308 before issuing a license to a person named as a provider or marijuana-infused products provider.

(5) Licenses issued pursuant to [sections 1 through 36] must:

(a) be laminated and produced on a material capable of lasting for the duration of the time period for which the license is valid;

(b) indicate whether an adult-use provider or an adult-use marijuana-infused products provider has an endorsement for manufacturing;

(c) state the date of issuance and the expiration date of the license; and

(d) contain other information that the department may specify by rule.

(6) (a) The department shall make application forms available and begin accepting applications for licensure and endorsement under [sections 1 through 36] on or before January 1, 2022.

(b) The department shall review the information contained in an application or renewal submitted pursuant to [sections 1 through 36] and shall approve or deny an application:

(i) within 30 days of receiving the application or renewal and all related application materials from an existing licensed provider or marijuana-infused products provider; and

(ii) within 90 days of receiving the application and all related application materials from a new applicant.

(c) If the department fails to act on a completed application within the time allowed under subsection (6)(b), the department shall:

(i) reduce the cost of the licensing fee for a new applicant for licensure or endorsement or for a licensee seeking renewal of a license by 5% each week that the application is pending; and

(ii) allow a licensee to continue operation until the department takes final action.

(d) Applications that are not processed within the time allowed under subsection (6)(b) remain active until the department takes final action.

(e) (i) The department may not take final action on an application for a license or renewal of a license until the department has completed a satisfactory inspection as required by [sections 1 through 36] and related administrative rules.

(ii) Failure by the department to complete the required inspection within the time allowed under subsection (6)(b) does not prevent an application from being considered complete for the purpose of subsection (6)(c).

(f) The department shall issue a license or endorsement within 5 days of approving an application or renewal.

(7) Review of a rejection of an application or renewal may be conducted as a contested case hearing pursuant to the provisions of the Montana Administrative Procedure Act.

(8) Licenses and endorsements issued to adult-use providers and adult-use marijuana-infused products providers must be renewed annually.

(9) The department shall provide the names and phone numbers of adult-use providers and adult-use marijuana-infused products providers and the city, town, or county where registered premises and testing laboratories are located to the public on the department's website. The department may not disclose the physical location or address of an adult-use provider, adult-use marijuana-infused products provider, adult-use dispensary, or testing laboratory.

(10) The department may not prohibit an adult-use provider, adult-use marijuana-infused products provider, or adult-use dispensary licensee from operating at a shared location with a provider, marijuana-infused products provider, or dispensary as defined in 50-46-302 if the provider, marijuana-infused products provider, or dispensary is owned by the same person.

(11) The department may not adopt rules requiring a consumer to provide an adult-use provider, adult-use marijuana-infused products provider, or adult-use dispensary licensee with identifying information other than identification to determine the consumer's age or require the recording of personal information about consumers other than information typically required in a retail transaction.

NEW SECTION. Section 5. Licensing of providers, marijuana-infused products providers, and dispensaries for adult use. (1) No later than October 1, 2021, the department shall promulgate rules and regulations to administer and enforce [sections 1 through 36] and shall begin accepting applications for and issuing licenses. The rules may not be unduly burdensome. For the first 12 months after the department begins to receive applications, the department shall only accept applications from and issue licenses to providers, marijuana-infused products providers, and dispensaries licensed under Title 50, chapter 46, part 3, that are in good standing with the department of public health and human services and in compliance with [sections 1 through 36] and rules adopted by the department.

NEW SECTION. Section 6. Department responsibility to monitor and assess marijuana production, testing, sales, and license revocation. (1)(a) The department shall implement a system for tracking marijuana, marijuana concentrate, and marijuana-infused products from either the seed or the seedling stage until the marijuana, marijuana concentrate, or marijuana-infused product is sold to a consumer. The system must:

(i) ensure that the marijuana, marijuana concentrate, or marijuana-infused product cultivated, manufactured, possessed, and sold under [sections 1 through 36] is not sold or otherwise provided to an individual who is under 21 years of age and who is not a medical marijuana registered cardholder; and

(ii) be made available to adult-use providers, adult-use marijuana-infused products providers, adult-use dispensaries, and testing laboratories at no additional cost.

(b) The department may implement the same system that is used to track marijuana, marijuana concentrate, and marijuana-infused products pursuant to 50-46-304.

(2) The department shall assess applications for an adult-use provider or adult-use marijuana-infused products provider license to determine if a person with a financial interest in the applicant meets any of the criteria established in [section 9] for denial of a license.

(3) Before issuing or renewing a license, the department shall inspect the proposed registered premises of an adult-use provider or adult-use marijuana-infused products provider and shall inspect the property to be used to ensure an applicant for licensure or license renewal is in compliance with [sections 1 through 36]. The department may not issue or renew a license if the applicant does not meet the requirements of [sections 1 through 36].

(4)(a) The department shall license providers and marijuana-infused products providers according to a tiered canopy system.

(b)(i) The system shall include, at a minimum, the following license types:

(A) A micro tier canopy license allows for a canopy of up to 250 square feet at one registered premises.

(B) A tier 1 canopy license allows for a canopy of up to 1,000 square feet at one registered premises. A minimum of 500 square feet must be equipped for cultivation.

(C) A tier 2 canopy license allows for a canopy of up to 2,500 square feet at up to two registered premises. A minimum of 1,100 square feet must be equipped for cultivation.

(D) A tier 3 canopy license allows for a canopy of up to 5,000 square feet at up to three registered premises. A minimum of 2,600 square feet must be equipped for cultivation.

(E) A tier 4 canopy license allows for a canopy of up to 7,500 square feet at up to four registered premises. A minimum of 5,100 square feet must be equipped for cultivation.

(F) A tier 5 canopy license allows for a canopy of up to 10,000 square feet at up to five registered premises. A minimum of 7,750 square feet must be equipped for cultivation.

(G) A tier 6 canopy license allows for a canopy of up to 13,000 square feet at up to five registered premises. A minimum of 10,250 square feet must be equipped for cultivation.

(H) A tier 7 canopy license allows for a canopy of up to 15,000 square feet at up to five registered premises. A minimum of 13,250 square feet must be equipped for cultivation.

(I) A tier 8 canopy license allows for a canopy of up to 17,500 square feet at up to five registered premises. A minimum of 15,250 square feet must be equipped for cultivation.

(J) A tier 9 canopy license allows for a canopy of up to 20,000 square feet at up to six registered premises. A minimum of 17,775 square feet must be equipped for cultivation.

(K) A tier 10 canopy license allows for a canopy of up to 30,000 square feet at up to ten registered premises. A minimum of 24,000 square feet must be equipped for cultivation.

(ii) As used in this subsection (4)(b), “equipped for cultivation” means that the space is either ready for cultivation or in use for cultivation.

(c) An adult-use provider or adult-use marijuana-infused products provider who has reached capacity under the existing license may apply to advance to the next licensing tier. The department:

(i) may increase a licensure level by only one tier at a time; and

(ii) shall conduct an inspection of the adult-use provider or adult-use marijuana-infused products provider's registered premises and proposed premises within 30 days of receiving the application and before approving the application.

(d) The department may create additional licensing tiers by rule if a provider with a tier 10 canopy license petitions the department to create a new licensure level and:

(i) the producer or provider demonstrates that the licensee is using the full amount of canopy currently authorized; and

(ii) the tracking system shows the licensee is selling at least 80% of the marijuana or marijuana-infused products produced by the square footage of the licensee's existing license over the 2 previous quarters or the licensee can otherwise demonstrate to the department that there is a market for the marijuana or marijuana-infused products it seeks to produce.

(e) The department is authorized to create additional tiers as necessary, including an adjusted tier system to account for outdoor cultivation.

(f) The registered premises limitations for each tier of licensing apply only to registered premises at which marijuana is cultivated. The limitations do not apply to the number of adult-use dispensaries an adult-use provider or adult-use marijuana-infused products provider may have.

(g) The department shall require evidence that the licensee is able to successfully cultivate the minimum amount of space allowed for the tier and sell the amount of marijuana produced by the minimum cultivation level before allowing a licensee to move up a tier. Annual licensing fees must be prorated based on the time licensed at a specific tier if less than 1 year.

(h) No person may be initially licensed greater than a tier 2 unless the person is purchasing a business licensed at a tier higher than tier 2 or the person is already licensed at higher than tier 2 under Title 50, chapter 46, part 3, and is applying for the equivalent size tier under [sections 1 through 36].

NEW SECTION. Section 7. Testing laboratories -- licensing -- inspection -- dual licensure -- state laboratory responsibility.

(1) (a) The state laboratory shall license testing laboratories to perform the testing required under [sections 12 and 17].

(b) (i) The state laboratory shall inspect a testing laboratory before issuing or renewing a license and may not issue or renew a license if the applicant does not meet the requirements of [section 12] and this section.

(ii) The state laboratory may not issue a temporary license while an inspection is pending.

(iii) Inspections conducted under this section must include the review provided for in 50-46-311(1)(b).

(2) The state laboratory shall:

(a) use the criteria established under 50-46-311 in evaluating and approving licenses issued under this section;

(b) use the criteria established under 50-46-304(6) to establish and enforce standard operating procedures and testing standards for testing laboratories to ensure that consumers receive consistent and uniform information about the potency and quality of the marijuana and marijuana-infused products they receive; and

(c) investigate inconsistent test results using the procedure provided for in 50-46-304(7).

(3) If an analysis of raw testing data indicates that licensees are providing test results that vary among testing laboratories by an amount determined by the state laboratory by rule, the department shall investigate the inconsistent results and determine within 60 days the steps the testing laboratories must take to ensure that each testing laboratory provides accurate and consistent results.

(4) If the analysis of raw testing data indicates a testing laboratory may be providing inconsistent results, the state laboratory shall suspend the testing laboratory's license until additional testing determines whether the results are consistent.

(5) The state laboratory shall revoke a testing laboratory's license upon a determination that the laboratory is:

(a) providing test results that are fraudulent; or

(b) providing test results without having:

(i) the equipment needed to test marijuana, marijuana concentrates, or marijuana-infused products; or

(ii) the equipment required under [sections 1 through 36] to conduct the tests for which the laboratory is providing results.

(6) A revocation under this section is subject to judicial review.

(7) The state laboratory:

(a) may license a testing laboratory to perform both the testing required under [sections 1 through 36] and under Title 50, chapter 46; and

(b) shall use the same administrative rules for testing laboratories licensed under [sections 1 through 36] and under Title 50, chapter 46.

NEW SECTION. Section 8. Personal use and cultivation of marijuana – penalties. (1) Subject to the limitations in [section 16], the following acts are lawful and shall not be an offense under state law or the laws of any local government within the state or be a basis to impose a civil fine, penalty, or sanction, or be a basis to detain, search, or arrest, or otherwise deny any right or privilege, or to seize or forfeit assets under state law or the laws of any local government for a person who is 21 years of age or older:

(a) possessing, purchasing, obtaining, using, ingesting, inhaling, or transporting 1 ounce or less of marijuana, except that not more than 8 grams may be in a concentrated form;

(b) transferring, delivering, or distributing without consideration, to a person who is 21 years of age or older, 1 ounce or less of marijuana, except that not more than 8 grams may be in a concentrated form;

(c) in or on the grounds of a private residence, possessing, planting, or cultivating up to four mature marijuana plants and four seedlings and possessing, harvesting, drying, processing, or manufacturing the marijuana, provided that:

(i) marijuana plants and any marijuana produced by the plants in excess of 1 ounce must be kept in a locked space in or on the grounds of one private residence and may not be visible by normal, unaided vision from a public place;

(ii) not more than twice the number of marijuana plants permitted under this subsection (1)(c) may be cultivated in or on the grounds of a single private residence simultaneously;

(iii) a person growing or storing marijuana plants under this subsection (1)(c) must own the private residence where the plants are cultivated and stored or obtain written permission to cultivate and store marijuana from the owner of the private residence; and

(iv) no portion of a private residence used for cultivation of marijuana and manufacture of marijuana-infused products for personal use may be shared

with, rented, or leased to an adult-use provider or an adult-use marijuana-infused products provider;

(d) assisting another person who is at least 21 years of age in any of the acts permitted by this section, including allowing another person to use one's personal residence for any of the acts described in this section; and

(e) possessing, purchasing, using, delivering, distributing, manufacturing, transferring, or selling to persons 18 years of age or older paraphernalia relating marijuana.

(2) A person who cultivates marijuana plants that are visible by normal, unaided vision from a public place in violation of subsection (1)(c)(i) is subject to a civil fine not exceeding \$250 and forfeiture of the marijuana.

(3) A person who cultivates marijuana plants or stores marijuana outside of a locked space is subject to a civil fine not exceeding \$250 and forfeiture of the marijuana.

(4) A person who smokes marijuana in a public place, other than in an area licensed for that activity by the department, is subject to a civil fine not exceeding \$50.

(5) For a person who is under 21 years of age and is not a registered cardholder, possession, use, ingestion, inhalation, transportation, delivery without consideration, or distribution without consideration of 1 ounce or less of marijuana is punishable by forfeiture of the marijuana and the underage person's choice between:

(a) a civil fine not to exceed \$100; or

(b) up to 4 hours of drug education or counseling in lieu of the fine.

(6) For a person who is under 18 years of age and is not a registered cardholder, possession, use, transportation, delivery without consideration, or distribution without consideration of marijuana paraphernalia is punishable by forfeiture of the marijuana paraphernalia and the underage person's choice between:

(a) a civil fine not to exceed \$100; or

(b) up to 4 hours of drug education or counseling in lieu of the fine.

(7) Unless otherwise permitted under the provisions of Title 50, chapter 46, part 3, the possession, production, delivery without consideration to a person 21 years of age or older, or possession with intent to deliver more than 1 ounce but less than 2 ounces of marijuana or more than 8 grams but less than 16 grams of marijuana in a concentrated form is punishable by forfeiture of the marijuana and:

(a) for a first violation, the person's choice between a civil fine not exceeding \$200 or completing up to 4 hours of community service in lieu of the fine;

(b) for a second violation, the person's choice between a civil fine not exceeding \$300 or completing up to 6 hours of community service in lieu of the fine;

(c) for a third or subsequent violation, the person's choice between a civil fine not exceeding \$500 or completing up to 8 hours of community service in lieu of the fine; and

(d) for a person under 21 years of age, the person's choice between a civil fine not to exceed \$200 or attending up to 8 hours of drug education or counseling in lieu of the fine.

(8) A person may not be denied adoption, custody, or visitation rights relative to a minor solely for conduct that is permitted by [sections 1 through 36].

(9) A person may not be denied access to or priority for an organ transplant or denied access to health care solely for conduct that is permitted by [sections 1 through 36].

(10) A person currently under parole, probation, or other state supervision or released awaiting trial or other hearing may not be punished or otherwise penalized solely for conduct that is permitted by [sections 1 through 36].

(11) A holder of a professional or occupational license may not be subjected to professional discipline for providing advice or services arising out of or related to conduct that is permitted by [sections 1 through 36] solely on the basis that marijuana is prohibited by federal law.

(12) It is the public policy of the state of Montana that contracts related to the operation of licensees be enforceable.

NEW SECTION. Section 9. Provider types – requirements – limitations – activities. (1)(a) Subject to subsections (1)(b) and (3), the department shall issue a license to or renew a license for a person who is applying to be an adult-use provider or adult-use marijuana-infused products provider if the person submits to the department:

(i) the person's name, date of birth, and street address on a form prescribed by the department;

(ii) proof that the person is a Montana resident;

(iii) fingerprints meeting the requirements for a fingerprint-based background check by the department of justice and the federal bureau of investigation:

(A) with the application for initial licensure; and

(B) every 3 years thereafter;

(iv) a statement, on a form prescribed by the department, that the person will not divert to any other person the marijuana that the person cultivates or the marijuana-infused products that the person manufactures for consumers, unless the marijuana or marijuana-infused products are sold to another adult-use provider or as part of a sale of a business as allowed under this section;

(v) the street address of the location at which marijuana, marijuana concentrates, or marijuana-infused products will be cultivated or manufactured; and

(vi) a fee as determined by the department not to exceed the costs of required background checks and associated administrative costs of processing the license.

(b) If the person to be licensed consists of more than one individual, the names of all owners must be submitted along with the fingerprints and date of birth of each.

(2) The department shall conduct:

(a) a fingerprint-based background check in association with an application for initial licensure and every 3 years thereafter; and

(b) a name-based background check in association with an application for initial licensure and each year thereafter except years that an applicant is required to submit fingerprints for a fingerprint-based background check.

(3) The department may not license a person under [sections 1 through 36] if the person or an owner:

(a) has a felony conviction involving fraud, deceit, or embezzlement or for distribution of drugs to a minor within the past 5 years and, after an investigation, the department finds that the applicant has not been sufficiently rehabilitated as to warrant the public trust;

(b) is in the custody of the department of corrections or a youth court;

(c) has been convicted of a violation under [section 21];

(d) has resided in Montana for less than 1 year; or

(e) is under 18 years of age.

(4) Marijuana for use pursuant to [sections 1 through 36] must be cultivated and manufactured in Montana until federal law allows for the interstate distribution of marijuana.

(5) Except as provided in [section 17], an adult-use provider or adult-use marijuana-infused products provider shall:

(a) prior to selling marijuana or marijuana-infused products, submit samples to testing laboratories pursuant to [sections 1 through 36] and administrative rules;

(b) allow the department to collect samples of marijuana or marijuana-infused products during inspections of registered premises for testing as provided by the department by rule;

(c) participate as required by the department by rule in a seed-to-sale tracking system established by the department pursuant to [section 6]; and

(d) obtain the license from the department of agriculture if required by 80-7-106 for the adult-use provider or adult-use marijuana-infused products provider that sells live plants as part of a sale of the adult-use provider's business. An adult-use provider or adult-use marijuana-infused products provider required to obtain a nursery license is subject to the inspection requirements of 80-7-108.

(6)(a) Except as provided in [section 11], a person licensed under this section may cultivate marijuana and manufacture marijuana-infused products for use by consumers only at one of the following locations:

(i) a property that is owned by the adult-use provider or adult-use marijuana-infused products provider; or

(ii) with written permission of the property owner, a property that is rented or leased by the adult-use provider or adult-use marijuana-infused products provider.

(b) Except as provided in [section 11], no portion of the property used for cultivation of marijuana or manufacture of marijuana-infused products or marijuana concentrate may be shared with or rented or leased to another adult-use provider, adult-use marijuana-infused products provider, or testing laboratory.

(7) A licensed adult-use provider or adult-use marijuana-infused products provider may:

(a) in accordance with rules adopted by the department:

(i) operate adult-use dispensaries; and

(ii) engage in manufacturing;

(b) employ employees to cultivate marijuana, manufacture marijuana concentrates and marijuana-infused products, and dispense and transport marijuana and marijuana-infused products;

(c) provide a small amount of marijuana, marijuana concentrate, or marijuana-infused product cultivated or manufactured on the registered premises to a licensed testing laboratory or the department of agriculture;

(d) sell the adult-use provider's business, including live plants, inventory, material assets, and all licenses in accordance with rules adopted by the department; and

(e) hold a provider or marijuana-infused products provider license issued pursuant to Title 50, chapter 46, part 3.

(8)(a) Except as provided in subsection (8)(b), an adult-use provider or adult-use marijuana-infused products provider:

(i) shall sell marijuana the adult-use provider has cultivated or marijuana products derived from marijuana the adult-use marijuana-infused products provider has cultivated for at least 50% of the provider's total annual sales;

(ii) may sell marijuana or marijuana-infused products to another adult-use provider for subsequent resale for up to 50% of the adult-use provider's total annual sales;

(iii) may contract or otherwise arrange for another party that is licensed to process the adult provider's or adult marijuana-infused products provider's marijuana into marijuana-infused products or marijuana concentrates and return the marijuana-infused products or marijuana concentrates to the adult-use provider for sale; and

(iv) except as allowed pursuant to [section 13], may not open a dispensary or allow for any on-site use before obtaining the required license or before the department has completed the inspection required under [sections 1 through 36] unless permitted to do so pursuant to [section 13].

(b) The department may adjust the percentages set forth in subsection (8)(a) for an individual license holder based on unforeseen circumstances leading to the loss of plants or products.

NEW SECTION. Section 10. Adult-use marijuana-infused products provider. (1) A person licensed as an adult-use marijuana-infused products provider shall:

(a) prepare marijuana-infused products at a registered premises; and

(b) use equipment that is used exclusively for the manufacture and preparation of marijuana-infused products.

(2) An adult-use marijuana-infused products provider:

(a) may cultivate marijuana only for the purpose of making marijuana-infused products; and

(b) may not provide a consumer with marijuana in a form that may be used for smoking unless the adult-use marijuana-infused products provider is also a licensed adult-use provider.

(3) All registered premises on which marijuana-infused products are manufactured must meet any applicable standards set by a local board of health for a retail food establishment as defined in 50-50-102.

(4) Marijuana-infused products may not be considered a food or drug for the purposes of Title 50, chapter 31.

NEW SECTION. Section 11. Contracted services. (1) An adult-use marijuana-infused products provider may contract with another adult-use marijuana-infused products provider to perform extraction or manufacturing services for the provider. The adult-use marijuana-infused products provider who is providing the services must hold a provider license for at least a tier 1 canopy.

(2) An adult-use marijuana-infused products provider who has contracted for services under this section may deliver the marijuana to be used for extraction or manufacturing or the provider who is contracted to provide the services may pick up and transport the marijuana.

(3) An adult-use marijuana-infused products provider who offers extraction or manufacturing services may not keep any marijuana-infused product or plant material from the extraction or manufacturing or transfer or sell the marijuana-infused product or plant material to another provider who has contracted for similar services with the same provider except as permitted under [section 9].

NEW SECTION. Section 12. Testing laboratories -- licensing inspections. (1) A testing laboratory licensed pursuant to Title 50, chapter 46, part 3, shall:

(a) measure the tetrahydrocannabinol, tetrahydrocannabinolic acid, cannabidiol, and cannabidiolic acid content of marijuana and marijuana-infused products; and

(b) test marijuana and marijuana-infused products for pesticides, solvents, moisture levels, mold, mildew, and other contaminants. A testing laboratory may transport samples to be tested.

(2) The analytical laboratory services provided by the department of agriculture pursuant to 80-1-104 may be used for the testing provided for in this section.

(3) A person with a financial interest in a licensed testing laboratory may not have a financial interest in any entity involved in the cultivation of marijuana or manufacture of a marijuana-infused product or marijuana concentrate for whom testing services are performed.

(4) Except as provided in [section 17], a testing laboratory shall conduct tests of:

(a) samples of marijuana, marijuana concentrate, and marijuana-infused products submitted by adult-use providers and adult-use marijuana-infused products providers pursuant to [section 17] and related administrative rules prior to sale of the marijuana or marijuana-infused products;

(b) samples of marijuana or marijuana-infused products collected by the department during inspections of registered premises; and

(c) samples submitted by consumers.

NEW SECTION. Section 13. Licensing as privilege -- criteria.

(1) An adult-use provider license, adult-use marijuana-infused products provider license, adult-use dispensary license, or endorsement for manufacturing is a privilege that the state may grant to an applicant and is not a right to which an applicant is entitled. In making a licensing decision, the department shall consider:

(a) the qualifications of the applicant; and

(b) the suitability of the proposed registered premises.

(2) The department may deny or revoke a license based on proof that the applicant made a knowing and material false statement in any part of the original application or renewal application.

(3) The department may deny an adult-use provider license, adult-use marijuana-infused products provider license, adult-use dispensary license, or endorsement for manufacturing if the applicant's proposed registered premises is situated within a zone of a locality where an activity related to the use of marijuana conflicts with an ordinance, a certified copy of which has been filed with the department.

(4)(a) The department may deny a license for an adult-use provider, adult-use marijuana-infused products provider, or adult-use dispensary or an endorsement for manufacturing if the applicant's proposed registered premises:

(i) is not approved by local building, health, or fire officials; or

(ii) is within 500 feet of and on the same street as a building used exclusively as a church, synagogue, or other place of worship or as a school or postsecondary school other than a commercially operated school, unless the locality allows for a reduced distance. This distance must be measured in a straight line from the center of the nearest entrance of the place of worship or school to the nearest entrance of the licensee's premises.

(b) For the purposes of this subsection (4), "school" and "postsecondary school" have the meanings provided in 20-5-402.

(5) An adult-use provider, adult-use marijuana-infused products provider, or adult-use dispensary licensee may operate at a shared location with a provider, marijuana-infused products provider, or dispensary as defined in 50-46-302 if the provider, marijuana-infused products provider, or dispensary is owned by the same person.

NEW SECTION. Section 14. Legal protections – allowable amounts.

(1) An adult-use provider or adult-use marijuana-infused products provider may have the canopy allotment allowed by the department. The canopy allotment is a cumulative total for all of the adult-use provider's or adult-use marijuana-infused products provider's registered premises.

(2) Except as provided in [section 16], a person licensed under [sections 1 through 36] may not be arrested, prosecuted, penalized, or denied any right or privilege, including but not limited to civil fine or disciplinary action by a professional licensing board or the department of labor and industry, solely because the person cultivates, manufactures, possesses, or transports marijuana in the amounts allowed under [sections 1 through 36].

(3) A person may not be arrested or prosecuted for possession, conspiracy as provided in 45-4-102, or any other offense solely for being in the presence or vicinity of the use of marijuana and marijuana-infused products as permitted under [sections 1 through 36].

(4) Except as provided in [section 19], possession of or application for a license does not solely constitute probable cause to search a person or the property of a person or otherwise subject a person or property of a person to inspection by any governmental agency, including a law enforcement agency.

(5) The provisions of this section relating to protection from arrest or prosecution do not apply to a person unless the person has obtained a license prior to an arrest or the filing of a criminal charge. It is not a defense to a criminal charge that a person obtains a license after an arrest or the filing of a criminal charge.

(6) An adult-use provider or adult-use marijuana-infused products provider is presumed to be engaged in the use of marijuana as allowed by [sections 1 through 36] if the person is in possession of an amount of marijuana that does not exceed the amount permitted under [sections 1 through 36].

NEW SECTION. Section 15. Restrictions. (1) An adult-use provider or adult-use marijuana-infused products provider may not cultivate marijuana or manufacture marijuana concentrates or marijuana-infused products in a manner that is visible from the street or other public area without the use of binoculars, aircraft, or other optical aids.

(2) An adult-use provider or adult-use marijuana-infused products provider may not cultivate, process, test, or store marijuana at any location other than the registered premises approved by the department and within an enclosed area that is secured in a manner that prevents access by unauthorized persons.

(3) An adult-use provider or adult-use marijuana-infused products provider shall secure the provider's inventory and equipment during and after operating hours to deter and prevent theft of marijuana.

(4) An adult-use provider or adult-use marijuana-infused products provider shall make the registered premises, books, and records available to the department for inspection and audit under [section 19] during normal business hours.

(5) An adult-use provider or adult-use marijuana-infused products provider may not allow a person under 18 years of age to volunteer or work for the licensee.

(6) Edible marijuana-infused candy may not be sold in shapes or packages that are attractive to children or that are easily confused with commercially sold candy that does not contain marijuana.

(7) (a) Marijuana or a marijuana-infused product must be sold or otherwise transferred in resealable, child-resistant packaging designed to be significantly difficult for children under 5 years of age to open and not difficult for adults to use properly.

(b) Subsection (7)(a) does not apply to marijuana consumed on the premises where it is sold, if permitted by department rule.

(8) An adult-use provider or adult-use marijuana-infused products provider may not sell or otherwise transfer tobacco or alcohol from a registered premises.

NEW SECTION. Section 16. Limitations of act. (1) [sections 1 through 36] do not permit:

(a) any individual to operate, navigate, or be in actual physical control of a motor vehicle, train, aircraft, motorboat, or other motorized form of transport while under the influence of marijuana;

(b) consumption of marijuana while operating or being in physical control of a motor vehicle, train, aircraft, motorboat, or other motorized form of transport while it is being operated;

(c) smoking marijuana while riding in the passenger seat within an enclosed compartment of a motor vehicle, train, aircraft, motorboat, or other motorized form of transport while it is being operated;

(d) delivery or distribution of marijuana, with or without consideration, to a person under 21 years of age;

(e) purchase, consumption, or use of marijuana by a person under 21 years of age;

(f) possession or transport of marijuana by a person under 21 years of age unless the underage person is at least 18 years of age and is an employee of an adult-use provider, adult-use marijuana-infused products provider, or adult-use dispensary and engaged in work activities;

(g) possession or consumption of marijuana or possession of marijuana paraphernalia:

(i) on the grounds of any property owned or leased by a school district, a public or private preschool, school, or postsecondary school as defined in 20-5-402;

(ii) in a school bus;

(iii) in a health care facility as defined in 50-5-101; or

(iv) on the grounds of any correctional facility;

(h) smoking marijuana in a location where smoking tobacco is prohibited;

(i) consumption of marijuana in a public place, except as allowed by the department;

(j) conduct that endangers others;

(k) undertaking any task while under the influence of marijuana if doing so would constitute negligence or professional malpractice; or

(l) performing solvent-based extractions on marijuana using solvents other than water, glycerin, propylene glycol, vegetable oil, or food-grade ethanol unless licensed for this activity by the department.

(2) Nothing in [sections 1 through 36] may be construed to:

(a) require an employer to permit or accommodate conduct otherwise allowed by [sections 1 through 36] in any workplace or on the employer's property;

(b) prohibit an employer from disciplining an employee for violation of a workplace drug policy or for working while intoxicated by marijuana;

(c) prevent an employer from declining to hire, discharging, disciplining, or otherwise taking an adverse employment action against an individual with respect to hire, tenure, terms, conditions, or privileges of employment because of the individual's violation of a workplace drug policy or intoxication by marijuana while working.

(3) Nothing in [sections 1 through 36] may be construed to prohibit a person from prohibiting or otherwise regulating the consumption, cultivation, distribution, processing, sale, or display of marijuana, marijuana-infused

products, and marijuana paraphernalia on private property the person owns, leases, occupies, or manages, except that a lease agreement executed after [the effective date of this section] may not prohibit a tenant from lawfully possessing and consuming marijuana by means other than smoking unless required by federal law or to obtain federal funding.

(4) Nothing in [sections 1 through 36] limits the rights, privileges, immunities, or defenses provided under Title 50, chapter 46, part 3.

(5) An adult-use provider or adult-use marijuana-infused products provider who violates 15-64-103 or 15-64-104 is subject to revocation of the person's license from the date of the violation until a period of up to 1 year after the department of revenue certifies compliance with 15-64-103 or 15-64-104.

NEW SECTION. Section 17. Testing of marijuana and marijuana-infused products. (1) An adult-use provider or adult-use marijuana-infused products provider may not sell marijuana or marijuana-infused products until the marijuana or products have been tested by a testing laboratory or the department of agriculture and meet the requirements of 50-46-326.

(2) An adult-use provider or adult-use marijuana-infused products provider shall submit material that has been collected in accordance with a sampling protocol established by the state laboratory by rule. The protocol must address the division of marijuana and marijuana-infused products into batch sizes for testing. Each batch must be tested in the following categories:

- (a) flower;
- (b) concentrate; and
- (c) marijuana-infused product.

(3) The state laboratory shall apply the same rules adopted pursuant to Title 50, chapter 46, part 3, regarding the types of tests, inspections, analysis, and certification that must be performed to ensure product safety and consumer protection to marijuana and marijuana products tested pursuant to [sections 1 through 36].

(4) An adult-use provider or adult-use marijuana-infused products provider may request that material that has failed to pass the required tests be retested in accordance with the rules adopted by the state laboratory providing for retesting parameters and requirements.

(5) Marijuana or a marijuana-infused product must include a label indicating that the marijuana or marijuana-infused product has been tested.

NEW SECTION. Section 18. Local government authority to regulate. (1)(a) To protect the public health, safety, or welfare, a local government may by ordinance or resolution regulate an adult-use provider or adult-use marijuana-infused products provider that operates within the local government's jurisdictional area. The regulations may include but are not limited to inspections of registered premises and testing laboratories in order to ensure compliance with any public health, safety, and welfare requirements established by the department or the local government.

(b) A local government may not adopt ordinances or regulations that are unduly burdensome.

(2) The qualified electors of an incorporated municipality, county, or consolidated city-county may request an election on whether to prohibit by ordinance adult-use dispensaries from being located within the jurisdiction of the local government by filing a petition in accordance with 7-5-131 through 7-5-135 and 7-5-137.

(3)(a) An election held pursuant to this section must be called, conducted, counted, and canvassed in accordance with Title 13, chapter 1, part 4.

(b) Except as provided in subsection (3)(c), an election held pursuant to this section may not be held within 70 days before or after a primary, general, or regular local election.

(c) An election pursuant to this section may be held in conjunction with a regular election of the governing body, general election, or a regular local or special election.

(4) If the qualified electors of an incorporated municipality, county, or consolidated city-county vote to prohibit adult-use dispensaries from being located in the jurisdiction, the governing body shall enter the prohibition into the records of the local government and notify the department of the election results.

(5)(a) If an election is held pursuant to this section in a county that contains within its limits a municipality of more than 5,000 persons according to the most recent federal decennial census:

(i) it is not necessary for the registered qualified electors in the municipality to file a separate petition asking for a separate or different vote on the question of whether to prohibit adult-use dispensaries from being located in the municipality; and

(ii) the county shall conduct the election in a manner that separates the votes in the municipality from those in the remaining parts of the county.

(b) If a majority of the qualified electors in the county, including the qualified electors in the municipality, vote to prohibit adult-use dispensaries from being located in the county, the county may not allow adult-use dispensaries to operate in the county.

(c) If a majority of the qualified electors in the municipality vote to prohibit adult-use dispensaries from being located in the municipality, the municipality may not allow adult-use dispensaries to operate in the municipality.

(d) Nothing contained in this subsection (5) prevents any municipality from having a separate election under the terms of this section.

(6)(a) An incorporated municipality, county, or consolidated city-county that has voted to prohibit adult-use dispensaries from being located in the jurisdiction may vote to discontinue the prohibition and to allow the previously prohibited operations within the incorporated municipality, county, or consolidated city-county.

(b) A vote overturning a prohibition on operation of adult-use dispensaries is effective on the 90th day after the local election is held.

(7) A local government may temporarily prohibit retail sales regulated under [sections 1 through 36] from being located within its jurisdiction through local ordinance until an election can be held pursuant to this section.

(8) A local government may not prohibit the transportation of marijuana within or through its jurisdiction on public roads by any person licensed to do so by the department or as otherwise allowed by [sections 1 through 36].

NEW SECTION. Section 19. Inspections – procedures – prohibition on inspector affiliation with licensees. (1) The department shall conduct unannounced inspections of registered premises.

(2)(a) The department shall inspect annually each registered premises.

(b) The department may collect samples during the inspection of a registered premises and submit the samples to all registered testing laboratories for testing as provided by the department by rule.

(3)(a) Each adult-use provider and adult-use marijuana-infused products provider shall keep a complete set of records necessary to show all transactions with consumers. The records must be open for inspection by the department or state laboratory, as appropriate, and state or local law enforcement agencies during normal business hours.

(b) Each testing laboratory shall keep:

(i) a complete set of records necessary to show all transactions with adult-use providers and adult-use marijuana-infused products providers; and

(ii) all data, including instrument raw data, pertaining to the testing of marijuana and marijuana-infused products.

(c) The records and data required under this subsection (3) must be open for inspection by the department and state or local law enforcement agencies during normal business hours.

(d) The department may require an adult-use provider, adult-use marijuana-infused products provider, or testing laboratory to furnish information that the department considers necessary for the proper administration of [sections 1 through 36].

(4)(a) Registered premises, including any places of storage, where marijuana is cultivated, manufactured, sold, stored, or tested are subject to entry by the department or state or local law enforcement agencies for the purpose of inspection or investigation during normal business hours.

(b) If any part of the registered premises consists of a locked area, the provider or marijuana-infused products provider shall make the area available for inspection immediately upon request of the department or state or local law enforcement officials.

(5) If the department conducts an inspection because of a complaint against a licensee or registered premises and does not find a violation of [sections 1 through 36], the department shall give the licensee a copy of the complaint with the name of the complainant redacted.

(6) The department may not hire or contract with a person to be an inspector if the person has worked during the previous 4 years for a Montana business or facility operating under [sections 1 through 36] or Title 50, chapter 46, part 3.

(7) In addition to any other penalties provided under [sections 1 through 36], the department may revoke, suspend for up to 1 year, or refuse to renew a license or endorsement issued under [sections 1 through 36] if, upon inspection and subsequent notice to the licensee, the department finds that any of the following circumstances exist:

(a) a cause for which issuance of the license or endorsement could have been rejected had it been known to the department at the time of issuance;

(b) a violation of an administrative rule adopted to carry out the provisions of [sections 1 through 36]; or

(c) noncompliance with any provision of [sections 1 through 36].

(8) The department may suspend or modify a license or endorsement without advance notice upon a finding that presents an immediate threat to the health, safety, or welfare of consumers, employees of the licensee, or members of the public.

(9) Review of a department action imposing a suspension, revocation, or other modification under [sections 1 through 36] must be conducted as a contested case hearing under the provisions of the Montana Administrative Procedure Act.

(10) The department shall establish a training protocol to ensure uniform application and enforcement of the requirements of [sections 1 through 36].

(11) The department shall report biennially to the revenue interim committee concerning the results of inspections conducted under this section. The report must include the information required under [section 25].

NEW SECTION. Section 20. Unlawful conduct by licensees – penalties. (1) The department shall revoke and may not reissue a license or endorsement belonging to an individual who:

(a) is convicted of a felony drug offense;

(b) allows another individual not authorized or lawfully allowed to be in possession of the individual's license; or

(c) fails to cooperate with the department concerning an investigation or inspection if the individual is licensed and cultivating marijuana, engaging in manufacturing, or manufacturing marijuana-infused products.

(2) The department shall revoke a license issued under [sections 1 through 36] if the licensee:

(a) purchases marijuana from an unauthorized source in violation of [sections 1 through 36];

(b) sells marijuana, marijuana concentrate, or marijuana-infused products to a person the licensee knows or should know is under 21 years of age;

(c) operates a carbon dioxide or hydrocarbon extraction system without obtaining a manufacturing endorsement; or

(d) transports marijuana or marijuana-infused products outside of Montana, unless allowed by federal law.

(3) A licensee who violates the advertising restrictions imposed under [section 24] is subject to:

(a) a written warning for the first violation;

(b) a 5-day license suspension or a \$500 fine for a second violation;

(c) a 5-day license suspension or a \$1,000 fine for a third violation;

(d) a 30-day license suspension or a \$2,500 fine for a fourth violation; and

(e) a license revocation for a fifth violation.

(4) Except for the license revocations required under this section, a licensee shall choose whether to pay a fine or be subject to a license suspension when a penalty is imposed under this section.

(5) A licensee whose license is revoked may not reapply for licensure for 3 years from the date of the revocation.

(6) If no other penalty is specified under [sections 1 through 36], an adult-use provider or adult-use marijuana-infused products provider who violates [sections 1 through 36] is punishable by a civil fine not to exceed \$500, unless otherwise provided in [sections 1 through 36] or unless the violation would constitute a violation of Title 45. An offense constituting a violation of Title 45 must be charged and prosecuted pursuant to the provisions of Title 45.

(7) Review of a department action imposing a fine, suspension, or revocation under [sections 1 through 36] must be conducted as a contested case hearing under the provisions of the Montana Administrative Procedure Act.

NEW SECTION. Section 21. Fraudulent representation – penalties.

(1) In addition to any other penalties provided by law, an individual who fraudulently represents to a law enforcement official that the individual is an adult-use provider or an adult-use marijuana-infused products provider is guilty of a civil fine not to exceed \$1,000.

(2) An individual convicted under this section may not be licensed as an adult-use provider or adult-use marijuana-infused products provider under [section 9].

NEW SECTION. Section 22. Law enforcement authority. Nothing in [sections 1 through 36] may be construed to limit a law enforcement agency's ability to investigate unlawful activity in relation to a person or individual with a license.

NEW SECTION. Section 23. Forfeiture. (1) Marijuana, paraphernalia relating to marijuana, or other property seized by a law enforcement official from a person claiming the protections of [sections 1 through 36] in connection with the cultivation, manufacture, possession, transportation, distribution, or use of marijuana must be returned to the person immediately upon a determination that the person is in compliance with the provisions of [sections 1 through 36].

(2) A law enforcement agency in possession of mature marijuana plants or seedlings seized as evidence is not responsible for the care and maintenance of the plants or seedlings.

NEW SECTION. Section 24. Advertising prohibited. (1) Persons with licenses may not advertise marijuana or marijuana-related products in any medium, including electronic media.

(2) A listing in a directory of business authorized under [sections 1 through 36] is not advertising for the purposes of this section.

(3) A licensee may have a website but may not:

(a) include prices on the website; or

(b) actively solicit consumers or out-of-state consumers through the website.

(4) The department shall adopt rules to clearly identify the activities that constitute advertising that are prohibited under this section.

NEW SECTION. Section 25. Legislative monitoring. (1) The revenue interim committee shall provide oversight of the department's activities pursuant to [sections 1 through 36], including but not limited to monitoring of:

(a) the number of licensees;

(b) issues related to the cultivation, manufacture, sale, testing, and use of marijuana; and

(c) the development, implementation, and use of the seed-to-sale tracking system established in accordance with [section 6].

(2) The revenue interim committee shall identify issues likely to require future legislative attention and develop legislation to present to the next regular session of the legislature.

(3) (a) The department shall periodically report to the revenue interim committee and submit a report to the legislative clearinghouse, as provided in 5-11-210, on persons who are licensed or registered pursuant to [section 9]. The report must include:

(i) the number of adult-use providers, adult-use marijuana-infused products providers, and adult-use dispensaries licensed pursuant to [sections 1 through 36];

(ii) the number of endorsements approved for manufacturing;

(iii) the number of licenses revoked; and

(iv) the amount of marijuana cultivated and sold pursuant to [sections 1 through 36].

(b) The report may not provide any identifying information of adult-use providers, adult-use marijuana-infused products providers, or adult-use dispensaries.

(4) The report on inspections required under [section 19] must include, at a minimum, the following information for both announced and unannounced inspections:

(a) the number of inspections conducted, by canopy licensure tier;

(b) the number of adult-use providers or adult-use marijuana-infused products providers that were inspected more than once during the year;

(c) the number of inspections that were conducted because of complaints made to the department; and

(d) the types of enforcement actions taken as a result of the inspections.

(5) The reports provided for in this section must also be provided to the transportation interim committee provided for in 5-5-233.

NEW SECTION. Section 26. Rulemaking authority – fees. (1) The department may adopt rules to implement and administer [sections 1 through 36], including:

(a) the manner in which the department will consider applications for licenses and endorsements and renewal of licenses and endorsements;

- (b) the acceptable forms of proof of Montana residency;
- (c) the procedures for obtaining fingerprints for the fingerprint-based and name-based background checks required under [section 9];
- (d) the security and operating requirements for adult-use dispensaries;
- (e) the security and operating requirements for manufacturing, including but not limited to requirements for:
 - (i) safety equipment;
 - (ii) extraction methods, including solvent-based and solvent-free extraction; and
 - (iii) post-processing procedures;
- (f) notice and contested case hearing procedures for fines or license and endorsement revocations, suspensions, or modifications;
- (g) implementation of a system to allow the tracking of marijuana and marijuana-infused products as required by [section 6];
- (h) labeling standards that protect public health by requiring the listing of pharmacologically active ingredients, including, but not limited to, tetrahydrocannabinol (THC), cannabidiol (CBD) and other cannabinoid content, the THC and other cannabinoid amount in milligrams per serving, the number of servings per package, and quantity limits per sale to comply with the allowable possession amount;
- (i) requirements that packaging and labels may not be made to be attractive to children, required warning labels, and that marijuana and marijuana-infused products be sold in resealable, child-resistant packaging to protect public health as provided in [section 15];
- (j) requirements and standards for the testing and retesting of marijuana and marijuana-infused products, including testing of samples collected during the department's inspections of registered premises;
- (k) the amount of variance allowable in the results of raw testing data that would warrant a departmental investigation of inconsistent results as provided in [section 7];
- (l) requirements and standards to prohibit or limit marijuana, marijuana-infused products, and marijuana accessories that are unsafe or contaminated;
- (m) the activities that constitute advertising in violation of [section 24];
- (n) requirements and incentives to promote renewable energy, reduce water usage, and reduce packaging waste to maintain a clean and healthy environment in Montana; and
- (o) the fees for endorsements for manufacturing, testing laboratories, additional canopy licensure tiers created in accordance with [section 6], and the fingerprint-based and name-based background checks required under [section 9]. The fees and other revenue collected through the taxes paid under [section 27], civil penalties imposed pursuant to [sections 1 through 36], and the licensing fees established by rule and in [section 5] must be sufficient to offset the expenses of administering [sections 1 through 36] but may not exceed the amount necessary to cover the costs to the department of implementing and enforcing [sections 1 through 36].

(2) The department may not adopt any rule or regulation that is unduly burdensome or undermines the purposes of [sections 1 through 36].

(3) The department may consult or contract with other public agencies in carrying out its duties under [sections 1 through 36].

NEW SECTION. Section 27. Tax on marijuana sales. (1) A tax on the purchase of marijuana and marijuana-infused products for consumption, use, or any purpose other than for use for a debilitating medical condition as provided in Title 50, chapter 46, part 3, or for resale in the regular course of business under the provisions of [sections 1 through 36] is imposed on the

purchaser and must be collected at the time of the sale and paid by the seller to the department for deposit in the marijuana compensation state special revenue account provided for in [section 35]. The tax is imposed at a rate of 20% of the retail price.

(2) Adult-use marijuana providers and adult-use marijuana infused-products providers shall submit quarterly reports to the department listing the total dollar amount of sales to consumers from any registered premises, as defined in [section 2], operated by the adult-use marijuana providers or adult-use marijuana infused-products providers, including dispensaries. The report must be:

- (a) made on forms prescribed by the department; and
- (b) submitted within 15 days of the end of each calendar quarter.

(3) At the time the report is filed, the licensee shall submit a payment equal to the percentage provided in subsection (1) of the total dollar amount of sales.

(4) The department shall deposit the taxes paid under this section in the dedicated marijuana compensation state special revenue account established in [section 35] within the state special revenue fund established in 17-2-102.

(5) The tax imposed by this part and related interest and penalties are a personal debt of the person required to file a return from the time that the liability arises, regardless of when the time for payment of the liability occurs.

(6) For the purpose of determining liability for the filing of statements and the payment of taxes, penalties, and interest owed under [sections 28 through 31]:

(a) the officer of a corporation whose responsibility it is to truthfully account for and pay to the state taxes provided for in [sections 28 through 31] and who fails to pay the taxes is liable to the state for the taxes and the penalty and interest due on the amounts;

(b) each officer of the corporation, to the extent that the officer has access to the requisite records, is individually liable along with the corporation for filing statements and for unpaid taxes, penalties, and interest upon a determination that the officer:

(i) possessed the responsibility to file statements and pay taxes on behalf of the corporation; and

(ii) possessed the responsibility on behalf of the corporation for directing the filing of statements or the payment of other corporate obligations and exercised that responsibility, resulting in the corporation's failure to file statements required by this part or pay taxes due as required by this part;

(c) each partner of a partnership is jointly and severally liable, along with the partnership, for any statements, taxes, penalties, and interest due while a partner;

(d) each member of a limited liability company that is treated as a partnership or as a corporation for income tax purposes is jointly and severally liable, along with the limited liability company, for any statements, taxes, penalties, and interest due while a member;

(e) the member of a single-member limited liability company that is disregarded for income tax purposes is jointly and severally liable, along with the limited liability company, for any statements, taxes, penalties, and interest due while a member; and

(f) each manager of a manager-managed limited liability company is jointly and severally liable, along with the limited liability company, for any statements, taxes, penalties, and interest due while a manager.

(7) In determining which corporate officer is liable, the department is not limited to considering the elements set forth in subsection (6)(a) to establish individual liability and may consider any other available information.

(8) In the case of a bankruptcy, the liability of the individual remains unaffected by the discharge of penalty and interest against the corporation. The individual remains liable for any statements and the amount of taxes, penalties, and interest unpaid by the entity.

(9) The tax levied pursuant to this section is separate from and in addition to any general state and local sales and use taxes that apply to retail sales, which must continue to be collected and distributed as provided by law.

(10) The tax levied under this section must be used, as designated in [section 35], for purposes that provide compensation for the economic and social costs of past and current marijuana cultivation, processing, and use, including funding of conservation programs to offset the use of water and soil in marijuana cultivation, funding to offset costs of provisions of health care associated with prior uses and health impacts of unregulated marijuana, funding for substance abuse treatment and prevention, funding of veterans' programs to offset prior uses of unregulated marijuana in ways that harmed veterans, funding to localities where marijuana is sold to offset the costs associated with marijuana regulation, and funding for the general fund to account for any costs to the state from marijuana use and regulation.

NEW SECTION. Section 28. Returns—payment—recordkeeping—authority of department. (1) Each adult-use marijuana provider and adult-use marijuana infused-products provider shall file a return, on a form provided by the department, and pay the tax due as provided in [section 27].

(2) Each return must be authenticated by the person filing the return or by the person's agent authorized in writing to file the return.

(3)(a) A person required to pay to the department the taxes imposed by this part shall keep for 5 years:

(i) all receipts issued; and

(ii) an accurate record of all sales of marijuana products, showing the name and address of each purchaser, the date of sale, and the quantity, kind, and retail price of each product sold.

(b) For the purpose of determining compliance with the provisions of this part, the department is authorized to examine or cause to be examined any books, papers, records, or memoranda relevant to making a determination of the amount of tax due, whether the books, papers, records, or memoranda are the property of or in the possession of the person filing the return or another person. In determining compliance, the department may use statistical sampling and other sampling techniques consistent with generally accepted auditing standards. The department may also:

(i) require the attendance of a person having knowledge or information relevant to a return;

(ii) compel the production of books, papers, records, or memoranda by the person required to attend;

(iii) implement the provisions of 15-1-703 if the department determines that the collection of the tax is or may be jeopardized because of delay;

(iv) take testimony on matters material to the determination; and

(v) administer oaths or affirmations.

(4) Pursuant to rules established by the department, returns may be computer-generated and electronically filed.

NEW SECTION. Section 29. Deficient assessment—penalty and interest—statute of limitations. (1) If the department determines that the amount of the tax due is greater than the amount disclosed by a return, it shall mail to the adult-use marijuana provider or adult-use marijuana infused-products provider a notice, pursuant to 15-1-211, of the additional tax proposed to be assessed. The notice must contain a statement that if payment

is not made, a warrant for distraint may be filed. The adult-use marijuana provider or adult-use marijuana infused-products provider may seek review of the determination pursuant to 15-1-211.

(2) Penalty and interest must be added to a deficiency assessment as provided in 15-1-216. The department may waive any penalty pursuant to 15-1-206.

(3) The amount of tax due under any return may be determined by the department within 5 years after the return was filed, regardless of whether the return was filed on or after the last day prescribed for filing. For purposes of this section, a return due under this part and filed before the last day prescribed by law or rule is considered to be filed on the last day prescribed for filing.

NEW SECTION. Section 30. Procedure to compute tax in absence of statement—estimation of tax—failure to file—penalty and interest.

(1) If the adult-use marijuana provider or adult-use marijuana infused-products provider fails to file any return required by [section 28] within the time required, the department may, at any time, audit the adult-use marijuana provider or adult-use marijuana infused-products provider or estimate the taxes due from any information in its possession and, based on the audit or estimate, assess the adult-use marijuana provider or adult-use marijuana infused-products provider for the taxes, penalties, and interest due the state.

(2) The department shall impose penalty and interest as provided in 15-1-216. The department shall mail to the adult-use marijuana provider or adult-use marijuana infused-products provider a notice, pursuant to 15-1-211, of the tax, penalty, and interest proposed to be assessed. The notice must contain a statement that if payment is not made, a warrant for distraint may be filed. The adult-use marijuana provider or adult-use marijuana infused-products provider may seek review of the determination pursuant to 15-1-211. The department may waive any penalty pursuant to 15-1-206.

NEW SECTION. Section 31. Authority to collect delinquent taxes.

(1)(a) The department shall collect taxes that are delinquent as determined under this part.

(b) If a tax imposed by this part or any portion of the tax is not paid when due, the department may issue a warrant for distraint as provided in Title 15, chapter 1, part 7.

(2) In addition to any other remedy, in order to collect delinquent taxes after the time for appeal has expired, the department may direct the offset of tax refunds or other funds due the adult-use marijuana provider or adult-use marijuana infused-products provider from the state, except wages subject to the provisions of 25-13-614 and retirement benefits.

(3) As provided in 15-1-705, the adult-use marijuana provider or adult-use marijuana infused-products provider has the right to a review of the tax liability prior to any offset by the department.

(4) The department may file a claim for state funds on behalf of the adult-use marijuana provider or adult-use marijuana infused-products provider if a claim is required before funds are available for offset.

NEW SECTION. Section 32. Refunds—interest—limitations. (1) A claim for a refund or credit as a result of overpayment of taxes collected under this part must be filed within 5 years of the date that the return was due, without regard to any extension of time for filing.

(2)(a) Interest paid by the department on an overpayment must be paid or credited at the same rate as the rate charged on delinquent taxes under 15-1-216.

(b) Except as provided in subsection (2)(c), interest must be paid from the date that the return was due or the date of overpayment, whichever is later.

Interest does not accrue during any period in which the processing of a claim is delayed more than 30 days because the taxpayer has not furnished necessary information.

(c) The department is not required to pay interest if:

(i) the overpayment is refunded or credited within 6 months of the date that a claim was filed; or

(ii) the amount of overpayment and interest does not exceed \$1.

NEW SECTION. Section 33. Information—confidentiality—agreements with another state. (1)(a) Except as provided in subsections (2) through (5), in accordance with 15-30-2618 and 15-31-511, it is unlawful for an employee of the department or any other public official or public employee to disclose or otherwise make known information that is disclosed in a return or report required to be filed under this part or information that concerns the affairs of the person making the return and that is acquired from the person's records, officers, or employees in an examination or audit.

(b) This section may not be construed to prohibit the department from publishing statistics if they are classified in a way that does not disclose the identity of a person making a return or the content of any particular report or return. A person violating the provisions of this section is subject to the penalty provided in 15-30-2618 or 15-31-511 for violating the confidentiality of individual income tax or corporate income tax information.

(2)(a) This section may not be construed to prohibit the department from providing information obtained under this part to:

(i) the department of justice or law enforcement to be used for the purpose of investigation and prevention of noncompliance, tax evasion, fraud, and abuse under this part; or

(ii) the department to be used for the purpose of investigation and prevention of noncompliance, fraud, and abuse under [sections 1 through 36].

(b) The department may enter into an agreement with the taxing officials of another state for the interpretation and administration of the laws of their state that provide for the collection of a sales tax or use tax in order to promote fair and equitable administration of the laws and to eliminate double taxation.

(c) In order to implement the provisions of this part, the department may furnish information on a reciprocal basis to the taxing officials of another state if the information remains confidential under statutes within the state receiving the information that are similar to this section.

(3) In order to facilitate processing of returns and payment of taxes required by this part, the department may contract with vendors and may disclose data to the vendors. The data disclosed must be administered by the vendor in a manner consistent with this section.

(4)(a) The officers charged with the custody of the reports and returns may not be required to produce them or evidence of anything contained in them in an action or proceeding in a court, except in an action or proceeding:

(i) to which the department is a party under the provisions of this part or any other taxing act; or

(ii) on behalf of a party to any action or proceedings under the provisions of this part or other taxes when the reports or facts shown by the reports are directly involved in the action or proceedings.

(b) The court may require the production of and may admit in evidence only as much of the reports or of the facts shown by the reports as are pertinent to the action or proceedings.

(5) This section may not be construed to limit the investigative authority of the legislative branch, as provided in 5-11-106, 5-12-303, or 5-13-309.

NEW SECTION. Section 34. Department to make rules. The department shall prescribe rules necessary to carry out the purposes of imposing and collecting the marijuana tax on gross sales on adult-use marijuana providers and adult-use marijuana infused-products providers.

NEW SECTION. Section 35. Marijuana compensation special revenue account. (1) There is a dedicated marijuana compensation state special revenue account within the state special revenue fund established in 17-2-102, to be administered by the department.

(2) Marijuana sales taxes collected under the provisions of [sections 27 through 34] must, in accordance with the provisions of 17-2-124, be deposited into the account along with any interest and income earned on the account.

(3) Funds deposited into the account must be transferred in the following amounts to provide funding as set out below:

(a) 4.125% of the funds to be deposited into the nongame wildlife account established in 87-5-121;

(b) 4.125% of the funds to be deposited into the state park account established in 23-1-105(1);

(c) 4.125% of the funds to be deposited into the trails and recreational facilities account established in 23-2-108;

(d) 37.125% of the funds to be deposited to the credit of the department of fish, wildlife, and parks to be used solely as funding for wildlife habitat in the same manner as funding generated under 87-1-242(3) and used pursuant to 87-1-209;

(e) 10.5% to the state general fund; and

(f) the remainder in the subaccounts provided for in this subsection (3)(f). There are subaccounts in the marijuana compensation special revenue account established by subsection (1). Funding deposited into this account under subsection (2) is further deposited into subaccounts to be used only as follows:

(i) 10% of the funds to be deposited into a subaccount to be administered by the department of public health and human services to provide grants to existing agencies and not-for-profit organizations, whether government or community-based, to increase access to evidence-based low-barrier drug addiction treatment, prioritizing medically proven treatment and overdose prevention and reversal methods and public or private treatment options with an emphasis on reintegrating recipients into their local communities, to support overdose prevention education, and to support job placement, housing, and counseling for those with substance use disorders;

(ii) 10% of the funds to be deposited into a subaccount to be administered by the department of commerce for distribution to the local government representing the locality where the retail sales occurred;

(iii) 10% of the funds to be deposited into a subaccount to be administered by the veterans' affairs division of the department of military affairs to provide services and assistance for all Montana veterans and surviving spouses and dependents; and

(iv) 10% of the funds to be deposited into a subaccount to be administered by the Montana department of health and human services to administer Medicaid rate increases that provide for a wage increase to health care workers who provide direct Medicaid funded home and community health services for elderly and disabled persons.

(v) Funds transferred from the accounts and subaccounts provided in subsection (3) may be used only to increase revenue for the purposes specified and may not be used to supplant other sources of revenue used for these purposes.

(4) Funds deposited into the account provided in subsection (1) may be used only to increase revenue to each special revenue account or subaccount set forth in subsection (3) and may not be used to supplant other sources of revenue for these purposes.

NEW SECTION. Section 36. Retroactive application. (1) A person currently serving a sentence for an act that is permitted under [sections 1 through 36] or is punishable by a lesser sentence under [sections 1 through 36] than the person was awarded may petition for an expungement of the conviction or resentencing.

(2) Upon receiving a petition under subsection (1), the court shall presume the petitioner satisfies the criteria in subsection (1) unless the county attorney proves by clear and convincing evidence that the petitioner does not satisfy the criteria. If the petitioner satisfies the criteria in subsection (1), the court shall grant the petition unless the court determines that granting the petition would pose an unreasonable risk of danger to public safety.

(3) A person who is serving a sentence and is resentenced pursuant to subdivision (1) must be given credit for any time already served and may not be subject to supervision.

(4) Resentencing under this section may not result in the imposition of a term longer than the original sentence or the reinstatement of charges dismissed pursuant to a negotiated plea agreement.

(5) (a) A person who has completed a sentence for an act that is permitted under [sections 1 through 36] or is punishable by a lesser sentence under [sections 1 through 36] than the person was awarded may petition the sentencing court to:

(i) expunge the conviction; or

(ii) redesignate the conviction as a misdemeanor or civil infraction in accordance with [sections 1 through 36].

(b) The petition must be served on the county attorney for the county where the petition is filed.

(6) Upon receiving a petition under subsection (5), the court shall presume the petitioner satisfies the criteria in subsection (5) unless the county attorney proves by clear and convincing evidence that the petitioner does not satisfy the criteria. Once the applicant satisfies the criteria in subsection (5), the court shall redesignate the conviction as a misdemeanor or civil infraction or expunge the conviction as legally invalid pursuant to [sections 1 through 36].

(7) Unless requested by the applicant, no hearing is necessary to grant or deny an application filed under subsection (5).

(8) Any felony conviction that is recalled under subsection (1) or designated as a misdemeanor or civil infraction under subsection (5) must be considered a misdemeanor or civil infraction for all purposes. Any misdemeanor conviction that is recalled and resentenced under subsection (1) or designated as a civil infraction under subsection (5) must be considered a civil infraction for all purposes.

(9) Nothing in this section constitutes a waiver of any right or remedy otherwise available to the petitioner or applicant.

(10) Nothing in [sections 1 through 36] is intended to impact the finality of judgment in any case not falling within the purview of [sections 1 through 36].

(11) The provisions of this section apply equally to juvenile cases if the juvenile would not have been guilty of an offense or would have been guilty of a lesser offense under [sections 1 through 36].

Section 37. Section 7-1-111, MCA, is amended to read:

“7-1-111. Powers denied. A local government unit with self-government powers is prohibited from exercising the following:

(1) any power that applies to or affects any private or civil relationship, except as an incident to the exercise of an independent self-government power;

(2) any power that applies to or affects the provisions of 7-33-4128 or Title 39, except that subject to those provisions, it may exercise any power of a public employer with regard to its employees;

(3) any power that applies to or affects the public school system, except that a local unit may impose an assessment reasonably related to the cost of any service or special benefit provided by the unit and shall exercise any power that it is required by law to exercise regarding the public school system;

(4) any power that prohibits the grant or denial of a certificate of compliance or a certificate of public convenience and necessity pursuant to Title 69, chapter 12;

(5) any power that establishes a rate or price otherwise determined by a state agency;

(6) any power that applies to or affects any determination of the department of environmental quality with regard to any mining plan, permit, or contract;

(7) any power that applies to or affects any determination by the department of environmental quality with regard to a certificate of compliance;

(8) any power that defines as an offense conduct made criminal by state statute, that defines an offense as a felony, or that fixes the penalty or sentence for a misdemeanor in excess of a fine of \$500, 6 months' imprisonment, or both, except as specifically authorized by statute;

(9) any power that applies to or affects the right to keep or bear arms, except that a local government has the power to regulate the carrying of concealed weapons;

(10) any power that applies to or affects a public employee's pension or retirement rights as established by state law, except that a local government may establish additional pension or retirement systems;

(11) any power that applies to or affects the standards of professional or occupational competence established pursuant to Title 37 as prerequisites to the carrying on of a profession or occupation;

(12) except as provided in 7-3-1105, 7-3-1222, or 7-31-4110, any power that applies to or affects Title 75, chapter 7, part 1, or Title 87;

(13) any power that applies to or affects landlords, as defined in 70-24-103, when that power is intended to license landlords or to regulate their activities with regard to tenants beyond what is provided in Title 70, chapters 24 and 25. This subsection is not intended to restrict a local government's ability to require landlords to comply with ordinances or provisions that are applicable to all other businesses or residences within the local government's jurisdiction.

(14) subject to 7-32-4304, any power to enact ordinances prohibiting or penalizing vagrancy;

(15) subject to 80-10-110, any power to regulate the registration, packaging, labeling, sale, storage, distribution, use, or application of commercial fertilizers or soil amendments, except that a local government may enter into a cooperative agreement with the department of agriculture concerning the use and application of commercial fertilizers or soil amendments. This subsection is not intended to prevent or restrict a local government from adopting or implementing zoning regulations or fire codes governing the physical location or siting of fertilizer manufacturing, storage, and sales facilities.

(16) subject to 80-5-136(10), any power to regulate the cultivation, harvesting, production, processing, sale, storage, transportation, distribution, possession, use, and planting of agricultural seeds or vegetable seeds as defined in 80-5-120. This subsection is not intended to prevent or restrict a local government from adopting or implementing zoning regulations or building

codes governing the physical location or siting of agricultural or vegetable seed production, processing, storage, sales, marketing, transportation, or distribution facilities.

(17) any power that prohibits the operation of a mobile amateur radio station from a motor vehicle, including while the vehicle is in motion, that is operated by a person who holds an unrevoked and unexpired official amateur radio station license and operator's license, "technician" or higher class, issued by the federal communications commission of the United States;

(18) subject to 76-2-240 and 76-2-340, any power that prevents the erection of an amateur radio antenna at heights and dimensions sufficient to accommodate amateur radio service communications by a person who holds an unrevoked and unexpired official amateur radio station license and operator's license, "technician" or higher class, issued by the federal communications commission of the United States;

(19) any power to require a fee and a permit for the movement of a vehicle, combination of vehicles, load, object, or other thing of a size exceeding the maximum specified in 61-10-101 through 61-10-104 on a highway that is under the jurisdiction of an entity other than the local government unit;

(20) any power to enact an ordinance governing the private use of an unmanned aerial vehicle in relation to a wildfire;

(21) *any power to prohibit completely adult-use providers, adult-use marijuana-infused products providers, and adult-use dispensaries from being located within the jurisdiction of the local government except as allowed in [sections 1 through 36]."*

Section 38. Section 23-1-105, MCA, is amended to read:

"23-1-105. Fees and charges – use of motor vehicle registration fee.

(1)(a) The department may levy and collect reasonable fees or other charges for the use of privileges and conveniences that may be provided and to grant concessions that it considers advisable, except as provided in subsections (2) and (6).

(b) *There must be deposited into a state special revenue fund in the state treasury to the credit of the department:*

(i) ~~All money derived from the activities of the department, except as provided in subsection (5), must be deposited in the state treasury in a state special revenue fund to the credit of the department; and~~

(ii) *money from marijuana taxes deposited under [section 35].*

(2) Overnight camping fees established by the department under subsection (1) must be discounted 50% for a campsite rented by a person who is a resident of Montana, as defined in 87-2-102, and is:

(a) 62 years of age or older;

(b) certified as disabled in accordance with rules adopted by the department;

or

(c) a veteran of the armed forces. While camping at a discounted rate, the veteran shall carry proof of the person's veteran status, such as a DD form 214, U.S. department of veterans affairs identification card, or a driver's license indicating the person's veteran status.

(3) For a violation of any fee collection rule involving a vehicle, the registered owner of the vehicle at the time of the violation is personally responsible if an adult is not in the vehicle at the time the violation is discovered by an authorized officer. A defense that the vehicle was driven into the fee area by another person is not allowable unless it is shown that at that time, the vehicle was being used without the consent of the registered owner.

(4) Money received from the collection of fees and charges is subject to the deposit requirements of 17-6-105(6) unless the department has submitted and received approval for a modified deposit schedule pursuant to 17-6-105(8).

(5) There is a fund of the enterprise fund type, as defined in 17-2-102(2)(a), for the purpose of managing state park visitor services revenue. The fund is to be used by the department to serve the recreating public by providing for the obtaining of inventory through purchase, production, or donation and for the sale of educational, commemorative, and interpretive merchandise and other related goods and services at department sites and facilities. The fund consists of money from the sale of educational, commemorative, and interpretive merchandise and other related goods and services and from donations. Gross revenue from the sale of educational, commemorative, and interpretive merchandise and other related goods and services must be deposited in the fund. All interest and earnings on money deposited in the fund must be credited to the fund for use as provided in this subsection.

(6) In recognition of the fact that individuals support state parks through the payment of certain motor vehicle registration fees, persons who pay the fee provided for in 61-3-321(19)(a) may not be required to pay a day-use fee for access to state parks. Other fees for the use of state parks and fishing access sites, such as overnight camping fees, are still chargeable and may be collected by the department.

(7) Any increase in the motor vehicle registration fee collected pursuant to 61-3-321(19)(a) on or after January 1, 2012, that is dedicated to state parks must be used by the department for maintenance and operation of state parks.”

Section 39. Section 23-2-108, MCA, is amended to read:

“23-2-108. (Effective January 1, 2020) Trails and recreational facilities account. (1) There is a trails and recreational facilities account in the state special revenue fund established in 17-2-102.

(2) There must be paid into the account:

(a) money collected pursuant to 61-3-321(19)(a)(iii); *and*

(b) *money from marijuana taxes deposited under [section 35].*

(3) Money in the account may only be used by the department to provide trails and recreational facilities grants pursuant to 23-2-109.

(4) Interest and income earned on the account and any unspent or unencumbered money in the account at the end of a fiscal year must remain in the account.”

Section 40. Section 41-5-206, MCA, is amended to read:

“41-5-206. Filing in district court prior to formal proceedings in youth court. (1) The county attorney may, in the county attorney’s discretion and in accordance with the procedure provided in 46-11-201, file with the district court a motion for leave to file an information in the district court if:

(a) the youth charged was 12 years of age or older at the time of the conduct alleged to be unlawful and the unlawful act would if it had been committed by an adult constitute:

(i) sexual intercourse without consent as defined in 45-5-503;

(ii) deliberate homicide as defined in 45-5-102;

(iii) mitigated deliberate homicide as defined in 45-5-103;

(iv) assault on a peace officer or judicial officer as defined in 45-5-210; or

(v) the attempt, as defined in 45-4-103, of or accountability, as provided in 45-2-301, for either deliberate or mitigated deliberate homicide; or

(b) the youth charged was 16 years of age or older at the time of the conduct alleged to be unlawful and the unlawful act is one or more of the following:

(i) negligent homicide as defined in 45-5-104;

(ii) arson as defined in 45-6-103;

- (iii) aggravated assault as defined in 45-5-202;
- (iv) sexual assault as provided in 45-5-502(3);
- (v) assault with a weapon as defined in 45-5-213;
- (vi) robbery as defined in 45-5-401;
- (vii) burglary or aggravated burglary as defined in 45-6-204;
- (viii) aggravated kidnapping as defined in 45-5-303;
- (ix) possession of explosives as defined in 45-8-335;
- (x) criminal distribution of dangerous drugs as defined in 45-9-101;
- (xi) criminal possession of dangerous drugs as defined in 45-9-102(3);
- 45-9-102(2);
- (xii) criminal possession with intent to distribute as defined in 45-9-103(1);
- (xiii) criminal production or manufacture of dangerous drugs as defined in 45-9-110;
- (xiv) use of threat to coerce criminal street gang membership or use of violence to coerce criminal street gang membership as defined in 45-8-403;
- (xv) escape as defined in 45-7-306;
- (xvi) attempt, as defined in 45-4-103, of or accountability, as provided in 45-2-301, for any of the acts enumerated in subsections (1)(b)(i) through (1)(b)(xv).

(2) The county attorney shall file with the district court a petition for leave to file an information in district court if the youth was 17 years of age at the time the youth committed an offense listed under subsection (1).

(3) The district court shall grant leave to file the information if it appears from the affidavit or other evidence supplied by the county attorney that there is probable cause to believe that the youth has committed the alleged offense. Within 30 days after leave to file the information is granted, the district court shall conduct a hearing to determine whether the matter must be transferred back to the youth court, unless the hearing is waived by the youth or by the youth's counsel in writing or on the record. The hearing may be continued on request of either party for good cause. The district court may not transfer the case back to the youth court unless the district court finds, by a preponderance of the evidence, that:

(a) a youth court proceeding and disposition will serve the interests of community protection;

(b) the nature of the offense does not warrant prosecution in district court; and

(c) it would be in the best interests of the youth if the matter was prosecuted in youth court.

(4) The filing of an information in district court terminates the jurisdiction of the youth court over the youth with respect to the acts alleged in the information. A youth may not be prosecuted in the district court for a criminal offense originally subject to the jurisdiction of the youth court unless the case has been filed in the district court as provided in this section. A case may be transferred to district court after prosecution as provided in 41-5-208 or 41-5-1605.

(5) An offense not enumerated in subsection (1) that arises during the commission of a crime enumerated in subsection (1) may be:

(a) tried in youth court;

(b) transferred to district court with an offense enumerated in subsection (1) upon motion of the county attorney and order of the district court. The district court shall hold a hearing before deciding the motion.

(6) If a youth is found guilty in district court of an offense enumerated in subsection (1) and any offense that arose during the commission of a crime enumerated in subsection (1), the court shall sentence the youth pursuant to

41-5-2503 and Titles 45 and 46. If a youth is acquitted in district court of all offenses enumerated in subsection (1), the district court shall sentence the youth pursuant to Title 41 for any remaining offense for which the youth is found guilty. A youth who is sentenced to the department or a state prison must be evaluated and placed by the department in an appropriate juvenile or adult correctional facility. The department shall confine the youth in an institution that it considers proper, including a state youth correctional facility under the procedures of 52-5-111. However, a youth under 16 years of age may not be confined in a state prison facility. During the period of confinement, school-aged youth with disabilities must be provided an education consistent with the requirements of the federal Individuals With Disabilities Education Act, 20 U.S.C. 1400, et seq.

(7) If a youth's case is filed in the district court and remains in the district court after the transfer hearing, the youth may be detained in a jail or other adult detention facility pending final disposition of the youth's case if the youth is kept in an area that provides physical separation from adults accused or convicted of criminal offenses."

Section 41. Section 45-9-101, MCA, is amended to read:

"45-9-101. Criminal distribution of dangerous drugs. (1) Except as provided in Title 50, chapter 46, or *[sections 1 through 36]*, a person commits the offense of criminal distribution of dangerous drugs if the person sells, barter, exchanges, gives away, or offers to sell, barter, exchange, or give away any dangerous drug, as defined in 50-32-101.

~~(2) A person convicted of criminal distribution of marijuana or its derivatives in an amount the aggregate weight of which does not exceed 60 grams of marijuana or 1 gram of hashish shall be imprisoned in the state prison for a term not to exceed 5 years and may be fined not more than \$5,000.~~

(3) A person convicted of criminal distribution of dangerous drugs involving giving away or sharing any dangerous drug, as defined in 50-32-101, shall be sentenced as provided in 45-9-102.

(4) A person convicted of criminal distribution of dangerous drugs not otherwise provided for in subsection (1), (2), ~~(3)~~, or ~~(5)~~ shall be imprisoned in the state prison for a term not to exceed 25 years or be fined an amount of not more than \$50,000, or both.

(5) A person who was an adult at the time of distribution and who is convicted of criminal distribution of dangerous drugs to a minor shall be sentenced as follows:

(a) For a first offense, the person shall be imprisoned in the state prison for a term not to exceed 40 years and may be fined not more than \$50,000.

(b) For a second or subsequent offense, the person shall be imprisoned in the state prison for a term not to exceed life and may be fined not more than \$50,000.

(6) Practitioners, as defined in 50-32-101, and agents under their supervision acting in the course of a professional practice are exempt from this section."

Section 42. Section 45-9-102, MCA, is amended to read:

"45-9-102. Criminal possession of dangerous drugs. (1) Except as provided in 50-32-609 or, Title 50, chapter 46, or *[sections 1 through 36]*, a person commits the offense of criminal possession of dangerous drugs if the person possesses any dangerous drug, as defined in 50-32-101,;

~~(2) A person convicted of criminal possession of marijuana or its derivatives in an amount the aggregate weight of which does not exceed 60 grams of marijuana or 1 gram of hashish greater than permitted or for which a penalty is not specified under [sections 1 through 36] is, for the first offense, guilty of a misdemeanor and shall be punished by a fine not to exceed \$500.~~

(a) A person convicted of a second offense under this subsection (2) shall be fined an amount not to exceed \$500 or be imprisoned in the county jail for a term not to exceed 6 months, or both.

(b) A person convicted of a third or subsequent offense under this subsection (2) shall be fined an amount not to exceed \$1,000 or be imprisoned in the county jail for a term not to exceed 1 year, or both.

(c) This subsection does not apply to the possession of synthetic cannabinoids listed as dangerous drugs in 50-32-222.

(3)(2) A person convicted of criminal possession of dangerous drugs ~~not otherwise provided for in subsection (1) or (2)~~ shall be imprisoned in the state prison for a term not to exceed 5 years or be fined an amount not to exceed \$5,000, or both.

(4)(3) A person convicted of a first violation under this section is presumed to be entitled to a deferred imposition of sentence of imprisonment.

(5)(4) Ultimate users and practitioners, as defined in 50-32-101, and agents under their supervision acting in the course of a professional practice are exempt from this section."

Section 43. Section 45-9-103, MCA, is amended to read:

"45-9-103. Criminal possession with intent to distribute. (1) Except as provided in Title 50, chapter 46, or *[sections 1 through 36]*, a person commits the offense of criminal possession with intent to distribute if the person possesses with intent to distribute any dangerous drug as defined in 50-32-101.

(2) ~~A person convicted of criminal possession of marijuana or its derivatives in an amount the aggregate weight of which does not exceed 60 grams of marijuana or 1 gram of hashish greater than permitted or for which a penalty is not specified under [sections 1 through 36] shall be imprisoned in the state prison for a term of not more than 5 years or be fined an amount not to exceed \$5,000, or both.~~

(3)(2) A person convicted of criminal possession with intent to distribute ~~not otherwise provided for in subsection (2)~~ shall be imprisoned in the state prison for a term of not more than 20 years or be fined an amount not to exceed \$50,000, or both.

(4)(3) Practitioners, as defined in 50-32-101, and agents under their supervision acting in the course of a professional practice are exempt from this section."

Section 44. Section 45-9-110, MCA, is amended to read:

"45-9-110. Criminal production or manufacture of dangerous drugs. (1) Except as provided in Title 50, chapter 46, or *[sections 1 through 36]*, a person commits the offense of criminal production or manufacture of dangerous drugs if the person knowingly or purposely produces, manufactures, prepares, cultivates, compounds, or processes a dangerous drug, as defined in 50-32-101.

(2) A person convicted of criminal production or manufacture of dangerous drugs, as defined in 50-32-101, shall be imprisoned in the state prison for a term of not more than 25 years and may be fined an amount not to exceed \$50,000.

(3) A person convicted of ~~criminal production or manufacture~~ of marijuana or tetrahydrocannabinol *in an amount greater than permitted or for which a penalty is not specified under Title 50, chapter 46 or [sections 1 through 36] or manufacture without the appropriate license and endorsement pursuant to Title 50, chapter 46 or [sections 1 through 36]* shall be imprisoned in the state prison for a term of not more than 5 years and may be fined an amount not to exceed \$5,000, except that if the total weight is more than a pound or the number of plants is more than 30, the person shall be imprisoned in the state

prison for a term of not more than 25 years and may be fined an amount not to exceed \$50,000. "Weight" means the weight of the dry plant and includes the leaves and stem structure but does not include the root structure.

(4) Practitioners, as defined in 50-32-101, and agents under their supervision acting in the course of a professional practice are exempt from this section."

Section 45. Section 45-9-127, MCA, is amended to read:

"45-9-127. Carrying dangerous drugs on train – penalty. (1) Except as provided in Title 50, chapter 46, or *[sections 1 through 36]*, a person commits the offense of carrying dangerous drugs on a train in this state if the person is knowingly or purposely in criminal possession of a dangerous drug and boards any train.

(2) A person convicted of carrying dangerous drugs on a train in this state is subject to the penalties provided in 45-9-102."

Section 46. Section 45-10-103, MCA, is amended to read:

"45-10-103. Criminal possession of drug paraphernalia. Except as provided in 50-32-609 or, Title 50, chapter 46, or *[sections 1 through 36]* it is unlawful for a person to use or to possess with intent to use drug paraphernalia to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale, or otherwise introduce into the human body a dangerous drug. A person who violates this section is guilty of a misdemeanor and upon conviction shall be imprisoned in the county jail for not more than 6 months, fined an amount of not more than \$500, or both. A person convicted of a first violation of this section is presumed to be entitled to a deferred imposition of sentence of imprisonment."

Section 47. Section 45-10-107, MCA, is amended to read:

"45-10-107. Exemptions. The provisions of this part do not apply to:

(1) practitioners, as defined in 50-32-101, and agents under their supervision acting in the course of a professional practice;

(2) persons acting in compliance with Title 50, chapter 46; or

(3) *persons acting in compliance with [sections 1 through 36]; or*

~~(3)~~(4) persons acting as employees or volunteers of an organization, including a nonprofit community-based organization, local health department, or tribal health department, that provides needle and syringe exchange services to prevent and reduce the transmission of communicable diseases."

Section 48. Section 46-18-231, MCA, is amended to read:

"46-18-231. Fines in felony and misdemeanor cases. (1) (a) Except as provided in subsection (1)(b), whenever, upon a verdict of guilty or a plea of guilty or nolo contendere, an offender has been found guilty of an offense for which a felony penalty of imprisonment could be imposed, the sentencing judge may, in lieu of or in addition to a sentence of imprisonment, impose a fine only in accordance with subsection (3).

(b) For those crimes for which penalties are provided in the following sections, a fine may be imposed in accordance with subsection (3) in addition to a sentence of imprisonment:

(i) 45-5-103(4), mitigated deliberate homicide;

(ii) 45-5-202, aggravated assault;

(iii) 45-5-213, assault with a weapon;

(iv) 45-5-302(2), kidnapping;

(v) 45-5-303(2), aggravated kidnapping;

(vi) 45-5-401(2), robbery;

(vii) 45-5-502(3), sexual assault when the victim is less than 16 years old and the offender is 3 or more years older than the victim or the offender inflicts bodily injury in the course of committing the sexual assault;

- (viii) 45-5-503(2) through (5), sexual intercourse without consent;
- (ix) 45-5-507(5), incest when the victim is 12 years of age or younger and the offender is 18 years of age or older at the time of the offense;
- (x) 45-5-508, aggravated sexual intercourse without consent;
- (xi) 45-5-601(3) or (4), 45-5-602(3) or (4), or 45-5-603(2)(b) or (2)(c), prostitution, promotion of prostitution, or aggravated promotion of prostitution when the person patronized or engaging in prostitution was a child and the offender was 18 years of age or older at the time of the offense or when the person engaging in prostitution was a victim of human trafficking, as defined in 45-5-701, or was subjected to force, fraud, or coercion, either of which caused the person to be in the situation where the offense occurred, and the offender was 18 years of age or older at the time of the offense and the offender knew or reasonably should have known that the person was a victim of human trafficking or was subjected to force, fraud, or coercion;
- (xii) 45-5-625(4), sexual abuse of children;
- (xiii) 45-5-702, 45-5-703, 45-5-704, or 45-5-705, trafficking of persons, involuntary servitude, sexual servitude, or patronizing a victim of sexual servitude;
- (xiv) ~~45-9-101(4)~~ 45-9-101(3), criminal possession with intent to distribute a dangerous drug; and
- (xv) 45-9-109, criminal possession with intent to distribute dangerous drugs on or near school property.

(2) Whenever, upon a verdict of guilty or a plea of guilty or nolo contendere, an offender has been found guilty of an offense for which a misdemeanor penalty of a fine could be imposed, the sentencing judge may impose a fine only in accordance with subsection (3).

(3) The sentencing judge may not sentence an offender to pay a fine unless the offender is or will be able to pay the fine. In determining the amount and method of payment, the sentencing judge shall take into account the nature of the crime committed, the financial resources of the offender, and the nature of the burden that payment of the fine will impose.

(4) Any fine levied under this section in a felony case shall be in an amount fixed by the sentencing judge not to exceed \$50,000.”

Section 49. Section 50-40-103, MCA, is amended to read:

“50-40-103. Definitions. As used in this part, the following definitions apply:

(1) “Bar” means an establishment with a license issued pursuant to Title 16, chapter 4, that is devoted to serving alcoholic beverages for consumption by guests or patrons on the premises and in which the serving of food is only incidental to the service of alcoholic beverages or gambling operations. The term includes but is not limited to taverns, night clubs, cocktail lounges, and casinos.

(2) “Department” means the department of public health and human services provided for in 2-15-2201.

(3) “Enclosed public place” means an indoor area, room, or vehicle that the general public is allowed to enter or that serves as a place of work, including but not limited to the following:

- (a) restaurants;
- (b) stores;
- (c) public and private office buildings and offices, including all office buildings and offices of political subdivisions, as provided for in 50-40-201, and state government;
- (d) trains, buses, and other forms of public transportation;
- (e) health care facilities;

- (f) auditoriums, arenas, and assembly facilities;
- (g) meeting rooms open to the public;
- (h) bars;
- (i) community college facilities;
- (j) facilities of the Montana university system; and
- (k) public schools, as provided for in 20-1-220 and 50-40-104.

(4) "Establishment" means an enterprise under one roof that serves the public and for which a single person, agency, corporation, or legal entity is responsible.

(5) "Incidental to the service of alcoholic beverages or gambling operations" means that at least 60% of the business's annual gross income comes from the sale of alcoholic beverages or gambling receipts, or both.

(6) "Person" means an individual, partnership, corporation, association, political subdivision, or other entity.

(7) "Place of work" means an enclosed room where one or more individuals work.

(8) "Smoking" or "to smoke" includes the act of lighting, smoking, or carrying a lighted cigar, cigarette, pipe, or any smokable product and includes the use of marijuana ~~for a debilitating medical condition as provided for in Title 50, chapter 46.~~

Section 50. Section 53-6-1201, MCA, is amended to read:

"53-6-1201. Special revenue fund -- health and medicaid initiatives.

(1) There is a health and medicaid initiatives account in the state special revenue fund established by 17-2-102. This account is to be administered by the department of public health and human services.

(2) There must be deposited in the account:

(a) money from cigarette taxes deposited under 16-11-119(2)(c);

(b) money from taxes on tobacco products other than cigarettes deposited under 16-11-119(4)(b);

(c) *money from marijuana taxes deposited under [section 35];* and

~~(c)(d)~~ any interest and income earned on the account.

(3) This account may be used only to provide funding for:

(a) the state funds necessary to take full advantage of available federal matching funds in order to administer the plan and maximize enrollment of eligible children under the healthy Montana kids plan, provided for under Title 53, chapter 4, part 11, and to provide outreach to the eligible children;

(b) a new need-based prescription drug program established by the legislature for children, seniors, chronically ill, and disabled persons that does not supplant similar services provided under any existing program;

(c) increased medicaid services and medicaid provider rates. The increased revenue is intended to increase medicaid services and medicaid provider rates and not to supplant the general fund in the trended traditional level of appropriation for medicaid services and medicaid provider rates.

(d) an offset to loss of revenue to the general fund as a result of new tax credits; and

(e) grants to schools for suicide prevention activities, for the biennium beginning July 1, 2017.

(4) (a) On or before July 1, the budget director shall calculate a balance required to sustain each program in subsection (3) for each fiscal year of the biennium. If the budget director certifies that the reserve balance will be sufficient, then the agencies may expend the revenue for the programs as appropriated. If the budget director determines that the reserve balance of the revenue will not support the level of appropriation, the budget director shall notify each agency. Upon receipt of the notification, the agency shall

adjust the operating budget for the program to reflect the available revenue as determined by the budget director.

(b) Until the programs or credits described in subsections (3)(b) and (3)(d) are established, the funding must be used exclusively for the purposes described in subsections (3)(a) and (3)(c).

(5) The phrase “trended traditional level of appropriation”, as used in subsection (3)(c), means the appropriation amounts, including supplemental appropriations, as those amounts were set based on eligibility standards, services authorized, and payment amount during the past five biennial budgets.

(6) The department of public health and human services may adopt rules to implement this section.”

Section 51. Section 80-1-104, MCA, is amended to read:

“80-1-104. Analytical laboratory services – rulemaking authority – deposit of fees. (1) The department is authorized to provide analytical laboratory services for:

(a) programs it operates under this title;

(b) other state or federal agencies;

(c) providers and marijuana-infused products providers as those terms are defined in 50-46-302;

(d) adult-use marijuana providers and adult-use marijuana infused products providers as those terms are defined in [section 2]; and

(e) the department of public health and human services for the purposes of [sections 1 through 36], and Title 50, chapter 46, part 3, as allowed by federal law; and

(d)(f) private parties.

(2) The department may enter into a contract or a memorandum of understanding for the space and equipment necessary for operation of the analytical laboratory.

(3) (a) The department may adopt rules establishing fees for testing services required under this title or provided to another state agency, a federal agency, or a private party.

(b) Money collected from the fees must be deposited in the appropriate related account in the state special revenue fund to the credit of the department to pay costs related to analytical laboratory services provided pursuant to this section.”

Section 52. Section 87-1-242, MCA, is amended to read:

“87-1-242. Funding for wildlife habitat. (1) The amount of money specified in this subsection from the sale of each hunting license or permit listed must be used exclusively by the commission to secure, develop, and maintain wildlife habitat, subject to appropriation by the legislature:

(a) Class B-10, nonresident combination, \$77;

(b) Nonresident antelope, \$20;

(c) Nonresident moose, \$20;

(d) Nonresident mountain goat, \$20;

(e) Nonresident mountain sheep, \$20;

(f) Class D-1, nonresident mountain lion, \$20;

(g) Nonresident black bear, \$20;

(h) Nonresident wild turkey, \$10;

(i) Class AAA, combination sports, \$7;

(j) Class B-11 nonresident deer combination, \$200.

(2) Twenty percent of any increase in the fee for the Class B-7 license or any license or permit listed in subsection (1) must be allocated for use as provided in subsection (1).

(3) Eighty percent of the money allocated by this section, *together with money from marijuana taxes deposited under [section 35] and together with the interest and income from the money*, must be used to secure wildlife habitat pursuant to 87-1-209.

(4) Twenty percent of the money allocated by this section must be used as follows:

(a) up to 50% a year may be used for development and maintenance of real property used for wildlife habitat; and

(b) the remainder and any money not allocated for development and maintenance under subsection (4)(a) by the end of each odd-numbered fiscal year must be credited to the account created by 87-1-601(5) for use in the manner prescribed for the development and maintenance of real property used for wildlife habitat.”

Section 53. Section 87-5-121, MCA, is amended to read:

“87-5-121. Nongame wildlife account. (1) There is a nongame wildlife account in the state special revenue fund provided for in 17-2-102.

(2) *There must be deposited into the account:*

(a) ~~All~~ all money collected under 15-30-2387 and all interest earned by the fund before being expended under this section ~~must be deposited in the account; and~~

(b) *money from marijuana taxes deposited under [section 35].*

(3) Money in the account must be used by the department, upon the approval of the commission as determined under 87-5-122, to provide adequate funding for:

(a) research and education programs on nongame wildlife in Montana, as provided for in 87-5-104; and

(b) any management programs for nongame wildlife approved by the legislature under 87-5-105 as species or subspecies in need of management.

(4) The money is available to the department in the same manner as provided in 87-1-601, except that money collected under 15-30-2387 may not be used:

(a) for the purchase of any real property; or

(b) in such a way as to interfere with the production on or management of private property.”

NEW SECTION. Section 54. Codification instruction. [sections 1 through 36] are intended to be codified as an integral part of Title 15, and the provisions of Title 15 apply to [sections 1 through 36].

NEW SECTION. Section 55. Severability. If a part of [this act] is invalid, all valid parts that are severable from the invalid part remain in effect. If a part of [this act] is invalid in one or more of its applications, the part remains in effect in all valid applications that are severable from the invalid applications.

NEW SECTION. Section 56. Effective dates. (1) [Sections 8, 16, 23, 36, and 40 through 49] are effective January 1, 2021. (2) Except as provided in subsection (1), [this act] is effective on October 1, 2021.

NEW SECTION. Section 57. Retroactive applicability. [Section 36] applies retroactively, within the meaning of 1-2-109, as provided in [section 36].

Initiative No. 190 was approved by the following vote at the General Election held November 3, 2020:

For: 341,037
Against: 258,337

TABLES

Code Sections Affected
Session Laws Affected
Senate Bill to Chapter Number
House Bill to Chapter Number
Chapter Number to Bill Number
Effective Dates by Chapter Number
Effective Dates by Date
Session Law to Code
2020 Ballot Issues to Code
Code Sections to 2020 Ballot Issues

CODE SECTIONS AFFECTED

This table was compiled before the codification process was completed. It does not reflect certain sections affected by name change amendments. It does reflect all other substantive changes. Those sections for which renumbering is not attributed to a particular chapter and bill number were renumbered by the Code Commissioner under the authority of 1-11-204(3)(a)(ii), MCA.

<u>Title-Chapter-Section</u>	<u>Action</u>	<u>Chapter No.</u>	<u>Bill No.</u>
1-3-110	enacted	Ch. 447	SB 254
2-1-301	amended	Ch. 556	HB 656
2-1-306	amended	Ch. 556	HB 656
2-1-407	amended	Ch. 261	SB 57
2-1-409	enacted	Ch. 287	SB 277
2-1-601	enacted	Ch. 101	HB 200
2-1-602	enacted	Ch. 101	HB 200
2-1-603	enacted	Ch. 101	HB 200
2-1-604	enacted	Ch. 101	HB 200
2-1-605	enacted	Ch. 101	HB 200
2-2-140	repealed	Ch. 159	HB 95
2-4-112	enacted	Ch. 102	SB 82
2-4-302	amended	Ch. 519	HB 447
2-4-303	amended	Ch. 199	HB 47
2-4-305	amended	Ch. 102	SB 82
	amended	Ch. 519	HB 447
2-4-306	amended	Ch. 102	SB 82
2-4-308	amended	Ch. 102	SB 82
2-4-314	amended	Ch. 102	SB 82
2-4-402	amended	Ch. 102	SB 82
2-4-403	amended	Ch. 102	SB 82
2-4-405	amended	Ch. 102	SB 82
2-4-406	amended	Ch. 102	SB 82
2-4-410	amended	Ch. 102	SB 82
2-4-411	amended	Ch. 102	SB 82
2-4-412	amended	Ch. 288	SB 227
2-4-702	amended	Ch. 535	HB 537
2-6-1007	amended	Ch. 142	SB 205
2-6-1017	amended	Ch. 457	SB 403
2-6-1030	enacted	Ch. 511	HB 358
2-6-1031	enacted	Ch. 511	HB 358
2-6-1032	enacted	Ch. 511	HB 358
2-6-1033	enacted	Ch. 511	HB 358
2-6-1101	amended	Ch. 140	SB 276
2-7-104	amended	Ch. 261	SB 57
2-9-212	amended	Ch. 351	HB 179
2-9-303	amended	Ch. 511	HB 358
2-9-901	enacted	Ch. 516	HB 435
2-9-902	enacted	Ch. 516	HB 435
2-9-903	enacted	Ch. 516	HB 435
2-9-904	enacted	Ch. 516	HB 435
2-9-905	enacted	Ch. 516	HB 435
2-9-906	enacted	Ch. 516	HB 435
2-15-210	amended	Ch. 261	SB 57
2-15-225	amended	Ch. 261	SB 57
2-15-401	amended	Ch. 261	SB 57
2-15-1015	amended	Ch. 142	SB 205

<u>Title-Chapter-Section</u>	<u>Action</u>	<u>Chapter No.</u>	<u>Bill No.</u>
2-15-1021	amended	Ch. 448	SB 272
2-15-1201	amended	Ch. 198	HB 31
2-15-1203	amended	Ch. 198	HB 31
2-15-1707	amended	Ch. 62	SB 140
2-15-1742	amended	Ch. 392	SB 106
2-15-1744	amended (void - sec. 3, Ch. 479)	Ch. 310	HB 477
	amended	Ch. 479	HB 276
2-15-1747	amended	Ch. 544	HB 593
2-15-1764	amended	Ch. 289	HB 669
2-15-1773	amended	Ch. 281	SB 275
2-15-1819	repealed	Ch. 167	HB 437
2-15-2008	formerly 2-15-2306	Ch. 5	SB 19
2-15-2017	amended	Ch. 261	SB 57
2-15-2018	enacted	Ch. 241	HB 35
2-15-2225	amended	Ch. 261	SB 57
2-15-2306	amended and renumbered 2-15-2008	Ch. 5	SB 19
	amended	Ch. 48	SB 50
2-15-2307	repealed	Ch. 5	SB 19
2-15-3112	amended	Ch. 36	SB 26
	amended	Ch. 38	SB 27
2-15-3113	amended	Ch. 36	SB 26
	amended	Ch. 261	SB 57
2-15-3307	amended	Ch. 298	SB 163
2-15-3308	amended	Ch. 261	SB 57
2-15-3402	amended	Ch. 205	HB 163
2-17-101	amended	Ch. 261	SB 57
2-17-512	amended	Ch. 261	SB 57
2-17-513	amended	Ch. 261	SB 57
2-17-515	amended	Ch. 261	SB 57
2-17-516	amended	Ch. 448	SB 272
2-17-603	amended	Ch. 401	HB 632
2-17-804	amended	Ch. 261	SB 57
2-17-825	amended	Ch. 261	SB 57
2-17-1201	enacted	Ch. 333	SB 287
2-17-1202	enacted	Ch. 333	SB 287
2-17-1203	enacted	Ch. 333	SB 287
2-17-1204	enacted	Ch. 333	SB 287
2-18-101	amended	Ch. 563	HB 678
2-18-103	amended	Ch. 335	SB 309
2-18-104	amended	Ch. 523	HB 483
2-18-303	amended	Ch. 171	HB 13
	amended	Ch. 424	SB 232
2-18-304	amended	Ch. 171	HB 13
2-18-703	amended	Ch. 51	SB 110
2-18-704	amended	Ch. 209	HB 291
	amended	Ch. 242	HB 43
	amended	Ch. 277	SB 217
2-18-1001	repealed	Ch. 56	SB 56
2-18-1002	repealed	Ch. 56	SB 56
2-18-1003	repealed	Ch. 56	SB 56
2-18-1302	amended	Ch. 128	HB 76
2-18-1303	amended	Ch. 128	HB 76
2-18-1304	amended	Ch. 128	HB 76
2-18-1309	amended	Ch. 128	HB 76

<u>Title-Chapter-Section</u>	<u>Action</u>	<u>Chapter No.</u>	<u>Bill No.</u>
2-18-1311	amended	Ch. 128	HB 76
2-18-1312	amended	Ch. 503	SB 399
2-18-1313	amended	Ch. 128	HB 76
3-1-609	enacted	Ch. 494	SB 319
3-1-610	enacted	Ch. 456	SB 402
3-1-702	amended	Ch. 261	SB 57
3-1-713	enacted	Ch. 566	HB 693
3-1-901	enacted	Ch. 62	SB 140
3-1-902	enacted	Ch. 62	SB 140
3-1-903	enacted	Ch. 62	SB 140
3-1-904	enacted	Ch. 62	SB 140
3-1-905	enacted	Ch. 62	SB 140
3-1-906	enacted	Ch. 62	SB 140
3-1-907	enacted	Ch. 62	SB 140
3-1-1001	repealed	Ch. 62	SB 140
	amended	Ch. 456	SB 402
3-1-1002	repealed	Ch. 62	SB 140
3-1-1003	repealed	Ch. 62	SB 140
3-1-1004	repealed	Ch. 62	SB 140
3-1-1005	repealed	Ch. 62	SB 140
3-1-1006	repealed	Ch. 62	SB 140
3-1-1007	repealed	Ch. 62	SB 140
3-1-1008	repealed	Ch. 62	SB 140
3-1-1009	repealed	Ch. 62	SB 140
3-1-1010	repealed	Ch. 62	SB 140
3-1-1011	repealed	Ch. 62	SB 140
3-1-1012	repealed	Ch. 62	SB 140
3-1-1013	repealed	Ch. 62	SB 140
3-1-1014	repealed	Ch. 62	SB 140
3-1-1101	amended	Ch. 433	HB 380
3-2-101 ..	amended (not codified - referendum)	Ch. 402	HB 325
3-5-102	amended	Ch. 566	HB 693
3-5-113	amended	Ch. 576	HB 701
3-5-115	amended	Ch. 576	HB 701
3-6-201	amended	Ch. 184	SB 127
3-6-303	amended	Ch. 195	HB 243
3-7-221	amended	Ch. 62	SB 140
3-10-301	amended	Ch. 331	SB 261
5-1-115	amended	Ch. 531	HB 506
5-2-205	amended	Ch. 525	HB 497
5-2-302	amended	Ch. 525	HB 497
5-3-106	amended	Ch. 504	HB 230
5-3-108	amended	Ch. 504	HB 230
5-4-102	amended	Ch. 182	SB 113
5-4-201	amended	Ch. 314	SB 91
5-4-205	amended	Ch. 314	SB 91
5-4-208	enacted	Ch. 350	HB 146
5-5-110	enacted	Ch. 523	HB 483
5-5-215	amended	Ch. 554	HB 651
5-5-223	amended	Ch. 261	SB 57
	amended	Ch. 576	HB 701
5-5-224	amended	Ch. 10	SB 25
	amended	Ch. 261	SB 57

<u>Title-Chapter-Section</u>	<u>Action</u>	<u>Chapter No.</u>	<u>Bill No.</u>
5-5-227	amended	Ch. 14	SB 36
	amended	Ch. 35	SB 41
	amended	Ch. 142	SB 205
	amended	Ch. 576	HB 701
5-5-228	amended	Ch. 142	SB 205
5-5-229	amended	Ch. 261	SB 57
5-5-231	amended	Ch. 261	SB 57
5-5-232	amended	Ch. 261	SB 57
5-7-101	amended	Ch. 6	SB 1
5-7-102	amended	Ch. 6	SB 1
5-7-103	amended	Ch. 26	SB 21
5-7-112	amended	Ch. 6	SB 1
5-7-120	amended	Ch. 6	SB 1
5-7-208	amended	Ch. 6	SB 1
5-7-209	amended	Ch. 6	SB 1
5-7-210	amended	Ch. 6	SB 1
5-7-305	amended	Ch. 6	SB 1
5-11-105	amended	Ch. 554	HB 651
5-11-210	amended	Ch. 261	SB 57
5-11-222	enacted	Ch. 261	SB 57
5-11-1112	repealed	Ch. 26	SB 21
5-12-205	amended	Ch. 508	HB 330
5-12-208	amended	Ch. 261	SB 57
5-12-302	amended	Ch. 261	SB 57
	amended	Ch. 525	HB 497
5-12-303	amended	Ch. 261	SB 57
5-12-501	enacted	Ch. 525	HB 497
5-12-502	enacted	Ch. 525	HB 497
5-12-503	enacted	Ch. 525	HB 497
5-12-504	enacted	Ch. 525	HB 497
5-13-302	amended	Ch. 147	SB 128
	amended	Ch. 183	SB 120
5-13-303	amended	Ch. 147	SB 128
	amended	Ch. 183	SB 120
5-13-305	amended	Ch. 261	SB 57
5-13-311	amended	Ch. 261	SB 57
5-13-402	amended	Ch. 110	HB 100
5-20-301	amended	Ch. 261	SB 57
7-1-111	amended	Ch. 220	HB 407
	amended	Ch. 329	SB 257
	amended	Ch. 354	HB 302
	amended	Ch. 398	SB 301
	amended	Ch. 408	HB 257
	amended	Ch. 455	SB 398
7-1-116	enacted	Ch. 329	SB 257
7-1-121	enacted	Ch. 220	HB 407
7-1-2103	amended	Ch. 408	HB 257
7-1-4124	amended	Ch. 408	HB 257
7-1-4201	enacted	Ch. 398	SB 301
7-1-4202	enacted	Ch. 398	SB 301
7-1-4203	enacted	Ch. 398	SB 301
7-2-4203	amended	Ch. 249	HB 259
7-4-2211	amended	Ch. 82	SB 123
7-4-2502	amended	Ch. 51	SB 110

<u>Title-Chapter-Section</u>	<u>Action</u>	<u>Chapter No.</u>	<u>Bill No.</u>
7-4-2503	amended	Ch. 302	SB 238
7-4-2508	amended	Ch. 302	SB 238
7-4-2510	amended	Ch. 302	SB 238
7-4-2614	amended	Ch. 311	HB 491
7-4-2631	amended	Ch. 160	HB 139
7-4-2637	amended	Ch. 226	HB 49
7-4-2705	amended	Ch. 364	HB 539
7-4-2924	enacted	Ch. 225	HB 609
7-5-103	amended	Ch. 408	HB 257
7-5-121	amended	Ch. 408	HB 257
7-5-131	amended	Ch. 220	HB 407
7-5-138	enacted	Ch. 101	HB 200
7-5-2109	amended	Ch. 390	HB 598
7-5-2304	amended	Ch. 271	SB 171
7-5-2310	enacted	Ch. 271	SB 171
7-5-4104	amended	Ch. 390	HB 598
7-5-4201	amended	Ch. 408	HB 257
7-6-1101	amended	Ch. 145	SB 154
7-6-1102	amended	Ch. 145	SB 154
7-6-1103	amended	Ch. 145	SB 154
7-6-1105	amended	Ch. 145	SB 154
7-6-1111	amended	Ch. 145	SB 154
7-6-1112	amended	Ch. 145	SB 154
7-6-1115	amended	Ch. 145	SB 154
7-8-2231	amended	Ch. 91	HB 104
7-8-2301	amended	Ch. 186	SB 193
7-8-2513	amended	Ch. 186	SB 193
7-11-105	amended	Ch. 81	SB 80
7-11-1003	amended	Ch. 500	SB 385
7-11-1007	amended	Ch. 500	SB 385
7-11-1009	enacted	Ch. 500	SB 385
7-11-1011	amended	Ch. 500	SB 385
7-11-1024	amended	Ch. 133	HB 220
7-12-2124	enacted	Ch. 187	SB 221
7-12-2125	enacted	Ch. 187	SB 221
7-12-2302	enacted	Ch. 134	HB 268
7-13-141	amended	Ch. 134	HB 268
7-13-2275	amended	Ch. 457	SB 403
7-13-4502	amended	Ch. 324	SB 233
7-13-4513	amended	Ch. 324	SB 233
7-13-4517	amended	Ch. 324	SB 233
7-14-301	repealed	Ch. 434	HB 464
7-14-302	repealed	Ch. 434	HB 464
7-14-303	repealed	Ch. 434	HB 464
7-14-304	repealed	Ch. 434	HB 464
7-14-1111	amended	Ch. 564	HB 681
7-14-1133	amended	Ch. 503	SB 399
7-14-1636	amended	Ch. 503	SB 399
7-14-2101	amended	Ch. 120	HB 271
7-15-4206	amended	Ch. 367	HB 616
7-15-4233	amended	Ch. 367	HB 616
7-15-4279	amended	Ch. 575	SB 388
7-15-4282	amended	Ch. 367	HB 616
7-15-4283	amended	Ch. 575	SB 388

<u>Title-Chapter-Section</u>	<u>Action</u>	<u>Chapter No.</u>	<u>Bill No.</u>
7-15-4286	amended	Ch. 575	SB 388
7-15-4288	amended	Ch. 575	SB 388
7-15-4292	amended	Ch. 575	SB 388
7-21-3214	enacted	Ch. 354	HB 302
7-21-3701	repealed 1/1/2022	Ch. 503	SB 399
7-21-3702	repealed 1/1/2022	Ch. 503	SB 399
7-21-3703	repealed 1/1/2022	Ch. 503	SB 399
7-21-3704	repealed 1/1/2022	Ch. 503	SB 399
7-21-3710	repealed 1/1/2022	Ch. 503	SB 399
7-21-3715	repealed 1/1/2022	Ch. 503	SB 399
7-22-2101	amended	Ch. 576	HB 701
7-32-201	amended	Ch. 195	HB 243
7-32-216	amended	Ch. 195	HB 243
7-32-232	amended	Ch. 218	HB 386
7-32-235	amended	Ch. 415	HB 641
7-32-236	enacted	Ch. 415	HB 641
7-32-2201	amended	Ch. 91	HB 104
7-34-2416	amended	Ch. 503	SB 399
10-1-104	amended	Ch. 124	HB 29
10-1-106	amended	Ch. 504	HB 230
10-1-108	amended	Ch. 105	HB 22
10-1-1003	amended	Ch. 366	HB 590
10-1-1004	amended	Ch. 366	HB 590
10-1-1009	amended	Ch. 387	HB 362
10-1-1021	amended	Ch. 366	HB 590
10-2-102	amended	Ch. 261	SB 57
10-2-108	enacted	Ch. 576	HB 701
10-2-116	amended	Ch. 474	HB 178
10-2-1306	enacted	Ch. 311	HB 491
10-3-101	amended	Ch. 346	SB 370
amended (void - sec. 16(1), Ch. 504)		Ch. 445	SB 172
amended		Ch. 504	HB 230
10-3-102	amended	Ch. 346	SB 370
amended (void - sec. 16(1), Ch. 504)		Ch. 445	SB 172
amended		Ch. 504	HB 230
amended		Ch. 515	HB 430
10-3-103... amended (void - sec. 16(1), Ch. 504)		Ch. 445	SB 172
amended		Ch. 504	HB 230
10-3-104	amended	Ch. 357	HB 429
amended (void - sec. 16(3), Ch. 504)		Ch. 394	SB 185
amended		Ch. 504	HB 230
10-3-114	amended	Ch. 530	HB 504
10-3-121	enacted	Ch. 357	HB 429
10-3-122	enacted	Ch. 504	HB 230
10-3-123	enacted	Ch. 504	HB 230
10-3-124	enacted	Ch. 504	HB 230
10-3-125	enacted	Ch. 346	SB 370
10-3-203	amended	Ch. 228	HB 159
10-3-210	enacted	Ch. 228	HB 159
10-3-301	amended	Ch. 408	HB 257
10-3-302... amended (void - sec. 16(2), Ch. 504)		Ch. 489	SB 173
repealed		Ch. 504	HB 230
10-3-303... amended (void - sec. 16(2), Ch. 504)		Ch. 489	SB 173
amended		Ch. 504	HB 230

<u>Title-Chapter-Section</u>	<u>Action</u>	<u>Chapter No.</u>	<u>Bill No.</u>
10-3-801	amended	Ch. 563	HB 678
10-3-802	amended	Ch. 261	SB 57
10-3-1210	amended	Ch. 504	HB 230
10-4-101	amended	Ch. 435	SB 81
	amended	Ch. 566	HB 693
10-4-105	amended	Ch. 566	HB 693
10-4-107	amended	Ch. 14	SB 36
10-4-108	amended	Ch. 14	SB 36
10-4-117	amended	Ch. 435	SB 81
10-4-118	enacted	Ch. 374	SB 219
10-4-201	amended	Ch. 200	HB 50
	amended	Ch. 435	SB 81
10-4-203	amended	Ch. 435	SB 81
10-4-204	amended	Ch. 435	SB 81
10-4-205	amended	Ch. 435	SB 81
10-4-211	amended	Ch. 435	SB 81
10-4-212	amended	Ch. 142	SB 205
	amended	Ch. 435	SB 81
10-4-213	enacted	Ch. 435	SB 81
10-4-214	enacted	Ch. 435	SB 81
10-4-304	amended	Ch. 200	HB 50
	amended	Ch. 566	HB 693
10-4-305	amended	Ch. 435	SB 81
10-4-306	amended	Ch. 39	SB 14
10-4-310	enacted	Ch. 200	HB 50
13-1-101	amended	Ch. 61	SB 15
	amended	Ch. 492	HB 221
	amended	Ch. 494	SB 319
	amended	Ch. 565	HB 689
	amended	Ch. 571	SB 224
13-1-106	amended	Ch. 274	SB 196
13-1-116	amended	Ch. 61	SB 15
13-1-203	amended	Ch. 61	SB 15
13-1-205	enacted	Ch. 534	HB 530
13-1-302	amended	Ch. 61	SB 15
13-2-110	amended	Ch. 254	SB 169
13-2-205	amended	Ch. 531	HB 506
13-2-220	amended	Ch. 144	SB 170
13-2-221	amended	Ch. 14	SB 36
13-2-301	amended	Ch. 244	HB 176
13-2-304	amended	Ch. 244	HB 176
13-3-105	amended	Ch. 61	SB 15
13-3-201	amended	Ch. 61	SB 15
13-3-202	amended	Ch. 61	SB 15
13-3-206	amended	Ch. 61	SB 15
13-3-208	amended	Ch. 61	SB 15
13-3-212	amended	Ch. 61	SB 15
13-3-213	amended	Ch. 61	SB 15
13-10-601	amended	Ch. 399	SB 350
13-10-605	amended	Ch. 399	SB 350
13-10-606	enacted	Ch. 399	SB 350
13-10-607	enacted	Ch. 399	SB 350
13-10-608	enacted	Ch. 399	SB 350
13-10-609	enacted	Ch. 399	SB 350

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13-10-610	enacted	Ch. 399	SB 350
13-10-611	enacted	Ch. 399	SB 350
13-10-612	enacted	Ch. 399	SB 350
13-10-613	enacted	Ch. 399	SB 350
13-13-114	amended	Ch. 254	SB 169
13-13-118	amended	Ch. 61	SB 15
13-13-119	amended	Ch. 61	SB 15
13-13-120	amended	Ch. 315	SB 93
13-13-121	amended	Ch. 315	SB 93
13-13-229	amended	Ch. 61	SB 15
13-13-246	amended	Ch. 61	SB 15
13-13-301	amended	Ch. 244	HB 176
13-13-602	amended	Ch. 254	SB 169
13-15-107	amended	Ch. 254	SB 169
13-15-401	amended	Ch. 531	HB 506
13-17-105	repealed	Ch. 531	HB 506
13-17-212	amended	Ch. 400	SB 351
13-19-205	amended	Ch. 61	SB 15
13-19-207	amended	Ch. 244	HB 176
13-19-307	amended	Ch. 315	SB 93
13-21-104	amended	Ch. 244	HB 176
13-22-108	amended	Ch. 261	SB 57
13-27-202	amended	Ch. 554	HB 651
13-27-204	amended	Ch. 554	HB 651
13-27-211	enacted	Ch. 554	HB 651
13-27-312	amended	Ch. 554	HB 651
13-35-202	amended	Ch. 61	SB 15
13-35-208	amended	Ch. 61	SB 15
13-35-225	amended	Ch. 494	SB 319
13-35-237	amended	Ch. 494	SB 319
13-35-240	repealed	Ch. 565	HB 689
13-35-242	enacted	Ch. 494	SB 319
13-37-111	amended	Ch. 565	HB 689
13-37-113	amended	Ch. 535	HB 537
	amended	Ch. 565	HB 689
13-37-120	amended	Ch. 261	SB 57
13-37-124	amended	Ch. 565	HB 689
13-37-132	enacted	Ch. 73	SB 130
13-37-201	amended	Ch. 494	SB 319
13-37-202	amended	Ch. 494	SB 319
13-37-203	amended	Ch. 494	SB 319
13-37-204	amended	Ch. 494	SB 319
13-37-205	amended	Ch. 494	SB 319
	amended	Ch. 571	SB 224
13-37-207	amended	Ch. 494	SB 319
13-37-208	amended	Ch. 494	SB 319
	amended (void - sec. 14(1), Ch. 565)	Ch. 565	HB 689
13-37-210	repealed	Ch. 571	SB 224
13-37-211	enacted	Ch. 494	SB 319
13-37-216	amended	Ch. 494	SB 319
	amended	Ch. 571	SB 224
13-37-217	amended	Ch. 494	SB 319
13-37-218	amended (void - sec. 26, Ch. 494)	Ch. 494	SB 319
	repealed	Ch. 571	SB 224

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13-37-220	enacted	Ch. 492	HB 221
13-37-225	amended	Ch. 494	SB 319
13-37-226	amended	Ch. 158	HB 71
	amended	Ch. 191	SB 339
	amended	Ch. 494	SB 319
	amended	Ch. 571	SB 224
13-37-227	amended	Ch. 494	SB 319
13-37-228	amended	Ch. 494	SB 319
13-37-229..amended (replaced - sec. 24, Ch. 494).....		Ch. 494.....	SB 319
amended (replaced - sec. 24, Ch. 494).....		Ch. 571.....	SB 224
13-37-232	amended	Ch. 571	SB 224
13-37-233	amended	Ch. 565	HB 689
13-37-234	enacted	Ch. 565	HB 689
13-37-241	enacted	Ch. 279	SB 226
13-37-404	enacted	Ch. 565	HB 689
13-37-601	amended	Ch. 399	SB 350
13-37-603	amended	Ch. 399	SB 350
13-37-604	amended	Ch. 399	SB 350
13-37-605	amended	Ch. 399	SB 350
15-1-101	amended	Ch. 142	SB 205
15-1-108	amended	Ch. 535	HB 537
15-1-121	amended	Ch. 506	HB 303
15-1-122	amended	Ch. 181	SB 58
15-1-123	amended	Ch. 506	HB 303
15-1-212	amended	Ch. 142	SB 205
15-1-213	amended	Ch. 142	SB 205
15-1-222	amended	Ch. 104	SB 133
	amended	Ch. 142	SB 205
	amended	Ch. 503	SB 399
15-1-303	amended	Ch. 142	SB 205
15-1-402	amended	Ch. 142	SB 205
15-1-601	amended	Ch. 459	SB 376
15-2-101	amended	Ch. 142	SB 205
15-2-102	amended	Ch. 142	SB 205
15-2-103	amended	Ch. 142	SB 205
15-2-104	amended	Ch. 142	SB 205
15-2-106	amended	Ch. 142	SB 205
15-2-201	amended	Ch. 104	SB 133
	amended	Ch. 142	SB 205
15-2-301	amended	Ch. 142	SB 205
	amended	Ch. 148	SB 126
15-2-302	amended	Ch. 142	SB 205
15-2-303	amended	Ch. 104	SB 133
	amended	Ch. 142	SB 205
15-2-304	amended	Ch. 142	SB 205
15-2-305	amended	Ch. 142	SB 205
15-2-306	amended	Ch. 104	SB 133
	amended	Ch. 142	SB 205
15-6-135	amended	Ch. 142	SB 205
	amended	Ch. 266	HB 394
	amended	Ch. 483	SB 51
15-6-137	amended	Ch. 291	HB 170
15-6-138	amended	Ch. 506	HB 303
15-6-141	amended	Ch. 291	HB 170

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15-6-143	amended	Ch. 427	SB 263
15-6-156	amended	Ch. 215	HB 346
	amended	Ch. 291	HB 170
	amended	Ch. 483	SB 51
15-6-157	amended	Ch. 291	HB 170
15-6-158	amended	Ch. 142	SB 205
15-6-163	enacted	Ch. 291	HB 170
15-6-194	enacted	Ch. 291	HB 170
15-6-202	amended	Ch. 86	HB 52
15-6-219	amended	Ch. 483	SB 51
15-6-220	amended	Ch. 430	SB 288
15-6-221	amended	Ch. 251	HB 432
15-6-230	amended	Ch. 423	SB 214
15-6-231	amended	Ch. 142	SB 205
15-6-243	enacted	Ch. 483	SB 51
15-6-301	amended	Ch. 510	HB 357
15-6-305	amended	Ch. 510	HB 357
15-6-311	amended	Ch. 510	HB 357
15-7-102	amended	Ch. 104	SB 133
	amended	Ch. 142	SB 205
	amended	Ch. 265	HB 298
15-7-111	amended	Ch. 446	SB 212
15-7-139	amended	Ch. 104	SB 133
	amended	Ch. 142	SB 205
15-7-202	amended	Ch. 86	HB 52
15-8-111	amended	Ch. 104	SB 133
15-8-112	amended	Ch. 142	SB 205
15-8-113	amended	Ch. 142	SB 205
15-8-115	amended	Ch. 142	SB 205
15-8-202	amended	Ch. 142	SB 205
15-10-420	amended	Ch. 506	HB 303
15-15-101	amended	Ch. 142	SB 205
15-15-103	amended	Ch. 142	SB 205
15-15-104	amended	Ch. 142	SB 205
15-15-201	amended	Ch. 142	SB 205
15-16-101	amended	Ch. 446	SB 212
15-16-102	amended	Ch. 145	SB 154
15-16-119	amended	Ch. 145	SB 154
15-16-301	amended	Ch. 145	SB 154
15-16-303	amended	Ch. 145	SB 154
15-16-401	amended	Ch. 145	SB 154
15-16-402	amended	Ch. 145	SB 154
15-16-404	amended	Ch. 145	SB 154
15-16-603	amended	Ch. 142	SB 205
15-16-801	amended	Ch. 145	SB 154
15-17-122	amended	Ch. 145	SB 154
15-17-911	amended	Ch. 145	SB 154
15-18-112	amended	Ch. 17	HB 23
15-18-212	amended	Ch. 17	HB 23
15-18-215	amended	Ch. 17	HB 23
15-18-216	amended	Ch. 17	HB 23
15-18-217	amended	Ch. 17	HB 23
15-18-219	amended	Ch. 17	HB 23
15-18-220	amended	Ch. 17	HB 23

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15-18-221	amended	Ch. 17	HB 23
15-18-225	enacted	Ch. 17	HB 23
15-23-102	amended	Ch. 142	SB 205
15-23-704	amended	Ch. 145	SB 154
15-23-708	enacted	Ch. 145	SB 154
15-23-709	enacted	Ch. 145	SB 154
15-24-202	amended	Ch. 14	SB 36
15-24-921	amended	Ch. 507	HB 318
15-24-1401	amended	Ch. 291	HB 170
15-24-3001	repealed	Ch. 13	SB 35
15-24-3002	repealed	Ch. 13	SB 35
15-24-3004	amended	Ch. 13	SB 35
15-24-3005	amended	Ch. 13	SB 35
15-24-3006	amended	Ch. 13	SB 35
15-24-3007	amended	Ch. 13	SB 35
15-30-2101	amended	Ch. 503	SB 399
15-30-2102	amended	Ch. 503	SB 399
15-30-2103	amended	Ch. 458	SB 184
amended (void - sec. 8, Ch. 488)		Ch. 488	SB 159
	amended	Ch. 503	SB 399
15-30-2104	amended	Ch. 503	SB 399
15-30-2110	amended	Ch. 349	HB 129
	repealed 1/1/2024	Ch. 503	SB 399
15-30-2111	repealed 1/1/2024	Ch. 503	SB 399
15-30-2113	amended	Ch. 503	SB 399
15-30-2114	repealed 1/1/2024	Ch. 503	SB 399
15-30-2115	repealed 1/1/2024	Ch. 503	SB 399
15-30-2116	repealed 1/1/2024	Ch. 503	SB 399
15-30-2117	repealed 1/1/2024	Ch. 503	SB 399
15-30-2119	repealed 1/1/2024	Ch. 503	SB 399
15-30-2120	enacted	Ch. 503	SB 399
15-30-2131	repealed 1/1/2024	Ch. 503	SB 399
15-30-2132	repealed 1/1/2024	Ch. 503	SB 399
15-30-2133	repealed 1/1/2024	Ch. 503	SB 399
15-30-2141	repealed 1/1/2024	Ch. 503	SB 399
15-30-2142	repealed 1/1/2024	Ch. 503	SB 399
15-30-2143	repealed 1/1/2024	Ch. 503	SB 399
15-30-2144	repealed 1/1/2024	Ch. 503	SB 399
15-30-2151	amended	Ch. 503	SB 399
15-30-2152	repealed 1/1/2024	Ch. 503	SB 399
15-30-2153	amended	Ch. 458	SB 184
	amended	Ch. 503	SB 399
15-30-2301	repealed 1/1/2024	Ch. 503	SB 399
15-30-2303	amended	Ch. 15	SB 45
	amended	Ch. 35	SB 41
	amended	Ch. 248	HB 252
	amended	Ch. 261	SB 57
	amended	Ch. 503	SB 399
	amended	Ch. 550	HB 629
15-30-2319	repealed 1/1/2022	Ch. 503	SB 399
15-30-2320	repealed 1/1/2022	Ch. 503	SB 399
15-30-2326	repealed 1/1/2022	Ch. 503	SB 399
15-30-2328	amended	Ch. 503	SB 399
15-30-2329	amended	Ch. 503	SB 399

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15-30-2337	amended	Ch. 476	HB 191
15-30-2340	amended	Ch. 476	HB 191
15-30-2356	repealed 1/1/2022	Ch. 503	SB 399
15-30-2357	amended	Ch. 550	HB 629
15-30-2359	enacted	Ch. 248	HB 252
15-30-2361	enacted	Ch. 550	HB 629
15-30-2364	repealed 1/1/2022	Ch. 503	SB 399
15-30-2366	repealed 1/1/2022	Ch. 503	SB 399
15-30-2367	repealed 1/1/2022	Ch. 503	SB 399
15-30-2373	repealed 1/1/2022	Ch. 503	SB 399
15-30-2381	repealed 1/1/2022	Ch. 503	SB 399
15-30-2393	amended	Ch. 503	SB 399
15-30-2501	amended	Ch. 503	SB 399
15-30-2512	amended	Ch. 503	SB 399
15-30-2602	amended	Ch. 503	SB 399
15-30-2605	amended	Ch. 108	HB 53
.....	amended	Ch. 503	SB 399
15-30-2606	amended	Ch. 108	HB 53
.....	amended	Ch. 503	SB 399
15-30-2607	amended	Ch. 142	SB 205
15-30-2608	amended	Ch. 142	SB 205
15-30-2609	amended	Ch. 108	HB 53
15-30-2618	amended	Ch. 503	SB 399
.....	amended	Ch. 550	HB 629
15-30-2619	amended	Ch. 108	HB 53
15-30-3003	amended	Ch. 503	SB 399
15-30-3004	amended	Ch. 503	SB 399
15-30-3005	amended	Ch. 503	SB 399
15-30-3101	amended	Ch. 480	HB 279
15-30-3102	amended	Ch. 480	HB 279
15-30-3103	amended	Ch. 480	HB 279
15-30-3104	amended	Ch. 480	HB 279
15-30-3106	amended	Ch. 480	HB 279
15-30-3110	amended	Ch. 480	HB 279
15-30-3111	amended	Ch. 480	HB 279
15-30-3113	amended	Ch. 142	SB 205
.....	amended	Ch. 480	HB 279
15-30-3312	amended	Ch. 503	SB 399
15-30-3401	enacted	Ch. 108	HB 53
15-30-3402	enacted	Ch. 108	HB 53
15-30-3403	enacted	Ch. 108	HB 53
15-30-3404	enacted	Ch. 108	HB 53
15-30-3405	enacted	Ch. 108	HB 53
15-30-3406	enacted	Ch. 108	HB 53
15-30-3407	enacted	Ch. 108	HB 53
15-30-3408	enacted	Ch. 108	HB 53
15-30-3701	enacted	Ch. 458	SB 184
15-30-3702	enacted	Ch. 458	SB 184
15-30-3703	enacted	Ch. 458	SB 184
15-30-3704	enacted	Ch. 458	SB 184
15-31-124	repealed	Ch. 15	SB 45
15-31-125	repealed	Ch. 15	SB 45
15-31-126	repealed	Ch. 15	SB 45
15-31-127	repealed	Ch. 15	SB 45

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15-31-131	repealed 1/1/2022	Ch. 503	SB 399
15-31-132	repealed 1/1/2022	Ch. 503	SB 399
15-31-134	repealed 1/1/2022	Ch. 503	SB 399
15-31-135	repealed 1/1/2022	Ch. 503	SB 399
15-31-136	repealed 1/1/2022	Ch. 503	SB 399
15-31-137	repealed 1/1/2022	Ch. 503	SB 399
15-31-162	amended	Ch. 503	SB 399
15-31-163	amended	Ch. 437	SB 269
	amended	Ch. 503	SB 399
15-31-164	enacted	Ch. 437	SB 269
15-31-165	enacted	Ch. 437	SB 269
15-31-171	repealed 1/1/2022	Ch. 503	SB 399
15-31-174	enacted	Ch. 248	HB 252
15-31-175	enacted	Ch. 550	HB 629
15-31-506	amended	Ch. 108	HB 53
15-31-509	amended	Ch. 108	HB 53
15-31-511	amended	Ch. 550	HB 629
15-31-544	amended	Ch. 108	HB 53
15-31-552	amended	Ch. 471	HB 63
15-31-1007	amended	Ch. 503	SB 399
15-31-1010	amended	Ch. 509	HB 340
15-32-101	amended	Ch. 11	SB 30
15-32-104	amended	Ch. 503	SB 399
15-32-106	amended	Ch. 503	SB 399
15-32-107	repealed	Ch. 11	SB 30
15-32-109	repealed 1/1/2022	Ch. 503	SB 399
15-32-115	repealed 1/1/2022	Ch. 503	SB 399
15-32-201	repealed 1/1/2022	Ch. 503	SB 399
15-32-202	repealed 1/1/2022	Ch. 503	SB 399
15-32-203	repealed 1/1/2022	Ch. 503	SB 399
15-32-401	repealed 1/1/2022	Ch. 503	SB 399
15-32-402	repealed 1/1/2022	Ch. 503	SB 399
15-32-404	repealed 1/1/2022	Ch. 503	SB 399
15-32-405	amended	Ch. 15	SB 45
	repealed 1/1/2022	Ch. 503	SB 399
15-32-406	repealed 1/1/2022	Ch. 503	SB 399
15-32-407	repealed 1/1/2022	Ch. 503	SB 399
15-32-501	repealed 1/1/2022	Ch. 503	SB 399
15-32-502	repealed 1/1/2022	Ch. 503	SB 399
15-32-503	repealed 1/1/2022	Ch. 503	SB 399
15-32-504	repealed 1/1/2022	Ch. 503	SB 399
15-32-505	repealed 1/1/2022	Ch. 503	SB 399
15-32-506	repealed 1/1/2022	Ch. 503	SB 399
15-32-507	repealed 1/1/2022	Ch. 503	SB 399
15-32-508	repealed 1/1/2022	Ch. 503	SB 399
15-32-509	repealed 1/1/2022	Ch. 503	SB 399
15-32-510	repealed 1/1/2022	Ch. 503	SB 399
15-32-610	amended	Ch. 503	SB 399
15-32-701	repealed 1/1/2022	Ch. 503	SB 399
15-32-702	repealed 1/1/2022	Ch. 503	SB 399
15-32-703	amended	Ch. 12	SB 34
	amended	Ch. 261	SB 57
	repealed 1/1/2022	Ch. 503	SB 399
15-36-303	amended	Ch. 559	HB 661

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15-36-304	amended	Ch. 559	HB 661
15-38-301	amended	Ch. 137	HB 373
15-44-103	amended	Ch. 141	SB 262
15-61-202	amended	Ch. 503	SB 399
15-61-203	amended	Ch. 503	SB 399
15-61-204	amended	Ch. 328	SB 253
15-62-102	amended	Ch. 349	HB 129
15-62-103	amended	Ch. 349	HB 129
	amended	Ch. 503	SB 399
15-62-201	amended	Ch. 349	HB 129
	amended	Ch. 503	SB 399
15-62-202	amended	Ch. 349	HB 129
15-62-203	amended	Ch. 349	HB 129
15-62-206	amended	Ch. 349	HB 129
	amended	Ch. 503	SB 399
15-62-207	amended	Ch. 503	SB 399
15-62-208	amended	Ch. 349	HB 129
	amended	Ch. 503	SB 399
15-62-301	amended	Ch. 349	HB 129
15-62-302	repealed	Ch. 349	HB 129
15-63-202	amended	Ch. 503	SB 399
15-64-101	amended	Ch. 576	HB 701
15-64-102	amended	Ch. 576	HB 701
15-64-103	amended	Ch. 576	HB 701
15-64-104	amended	Ch. 576	HB 701
15-64-105	amended	Ch. 576	HB 701
15-64-106	amended	Ch. 576	HB 701
15-64-111	amended	Ch. 576	HB 701
15-64-112	amended	Ch. 576	HB 701
15-65-101	amended	Ch. 240	HB 34
	amended	Ch. 484	SB 52
15-65-111	amended	Ch. 484	SB 52
15-65-112	amended	Ch. 484	SB 52
15-65-113	amended	Ch. 484	SB 52
15-65-114	amended	Ch. 484	SB 52
15-65-115	amended	Ch. 484	SB 52
15-65-121	amended	Ch. 563	HB 678
15-68-101	amended	Ch. 484	SB 52
15-68-111	enacted	Ch. 484	SB 52
15-68-405	amended	Ch. 142	SB 205
15-68-502	amended	Ch. 484	SB 52
15-68-805	amended	Ch. 142	SB 205
15-68-820	amended	Ch. 8	SB 6
15-70-111	amended	Ch. 142	SB 205
15-70-430	amended	Ch. 429	SB 285
15-70-450	amended	Ch. 261	SB 57
15-72-601	amended	Ch. 499	SB 384
16-1-106	amended	Ch. 25	HB 79
	amended	Ch. 194	HB 226
16-2-106	amended	Ch. 194	HB 226
16-3-103	amended	Ch. 395	SB 247
16-3-213	amended	Ch. 194	HB 226
16-3-214	amended	Ch. 194	HB 226
16-3-218	amended	Ch. 568	HB 705

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16-3-219	amended	Ch. 194	HB 226
16-3-301	amended	Ch. 568	HB 705
16-3-303	amended	Ch. 194	HB 226
16-3-311	amended	Ch. 161	HB 157
	amended	Ch. 568	HB 705
16-3-312	enacted	Ch. 194	HB 226
16-3-313	enacted	Ch. 264	SB 156
16-3-411	amended	Ch. 194	HB 226
16-3-418	amended	Ch. 194	HB 226
16-4-105	amended	Ch. 194	HB 226
	amended	Ch. 451	SB 320
16-4-110	amended	Ch. 194	HB 226
16-4-111	amended	Ch. 395	SB 247
16-4-112	enacted	Ch. 395	SB 247
16-4-115	amended	Ch. 64	HB 19
	amended	Ch. 194	HB 226
16-4-201	amended	Ch. 194	HB 226
	amended	Ch. 451	SB 320
16-4-204	amended	Ch. 395	SB 247
16-4-208	amended	Ch. 194	HB 226
16-4-209	amended	Ch. 194	HB 226
16-4-213	amended	Ch. 194	HB 226
	amended	Ch. 568	HB 705
16-4-312	amended	Ch. 194	HB 226
16-4-401	amended	Ch. 161	HB 157
	amended	Ch. 568	HB 705
16-4-406	amended	Ch. 103	SB 129
	amended	Ch. 568	HB 705
16-4-411	amended	Ch. 535	HB 537
16-4-414	amended	Ch. 568	HB 705
16-4-415	amended	Ch. 568	HB 705
16-4-418	amended	Ch. 532	HB 525
16-4-420	amended	Ch. 194	HB 226
	amended	Ch. 451	SB 320
16-6-306	amended	Ch. 568	HB 705
16-11-119	amended	Ch. 561	HB 667
16-11-122	amended	Ch. 455	SB 398
16-11-149	amended	Ch. 142	SB 205
16-11-305	amended	Ch. 264	SB 156
16-11-311	amended	Ch. 455	SB 398
16-11-313	enacted	Ch. 455	SB 398
16-12-101	amended	Ch. 576	HB 701
16-12-102	amended	Ch. 576	HB 701
16-12-104	amended (void - sec. 114, Ch. 576)	Ch. 264	SB 156
	amended	Ch. 576	HB 701
16-12-105	amended	Ch. 576	HB 701
16-12-106	amended	Ch. 312	HB 517
	amended	Ch. 576	HB 701
16-12-107	amended	Ch. 576	HB 701
16-12-108	amended	Ch. 576	HB 701
16-12-109	amended	Ch. 576	HB 701
16-12-110	amended	Ch. 576	HB 701
16-12-111	amended	Ch. 576	HB 701
16-12-112	amended	Ch. 505	HB 249
	amended	Ch. 576	HB 701

<u>Title-Chapter-Section</u>	<u>Action</u>	<u>Chapter No.</u>	<u>Bill No.</u>
16-12-113	amended	Ch. 576	HB 701
16-12-114	enacted	Ch. 576	HB 701
16-12-115	enacted	Ch. 576	HB 701
16-12-116	enacted	Ch. 576	HB 701
16-12-122	enacted	Ch. 576	HB 701
16-12-125	enacted	Ch. 576	HB 701
16-12-129	enacted	Ch. 576	HB 701
16-12-201	amended	Ch. 576	HB 701
16-12-202	amended	Ch. 576	HB 701
16-12-203	amended	Ch. 576	HB 701
16-12-204	amended and renumbered 16-12-221	Ch. 576	HB 701
16-12-205	repealed 1/1/2022	Ch. 576	HB 701
16-12-206	amended	Ch. 576	HB 701
16-12-207	amended	Ch. 576	HB 701
16-12-208	amended	Ch. 576	HB 701
16-12-209	amended	Ch. 576	HB 701
16-12-210	amended	Ch. 576	HB 701
16-12-211	amended	Ch. 505	HB 249
16-12-215	amended	Ch. 576	HB 701
16-12-221	enacted	Ch. 576	HB 701
16-12-221	formerly 16-12-204	Ch. 576	HB 701
16-12-222	enacted	Ch. 576	HB 701
16-12-223	enacted	Ch. 576	HB 701
16-12-224	enacted	Ch. 576	HB 701
16-12-225	enacted	Ch. 576	HB 701
16-12-226	enacted	Ch. 576	HB 701
16-12-301	amended	Ch. 576	HB 701
16-12-302	amended	Ch. 576	HB 701
16-12-309	enacted	Ch. 576	HB 701
16-12-310	enacted	Ch. 576	HB 701
16-12-311	enacted	Ch. 576	HB 701
16-12-312	enacted	Ch. 576	HB 701
16-12-317	enacted	Ch. 576	HB 701
16-12-401	repealed 1/1/2022	Ch. 576	HB 701
16-12-402	repealed 1/1/2022	Ch. 576	HB 701
16-12-403	repealed 1/1/2022	Ch. 576	HB 701
16-12-404	repealed 1/1/2022	Ch. 576	HB 701
16-12-405	repealed 1/1/2022	Ch. 576	HB 701
16-12-406	repealed 1/1/2022	Ch. 576	HB 701
16-12-407	repealed 1/1/2022	Ch. 576	HB 701
16-12-408	repealed 1/1/2022	Ch. 576	HB 701
16-12-501	enacted	Ch. 576	HB 701
16-12-502	enacted	Ch. 576	HB 701
16-12-503	enacted	Ch. 576	HB 701
16-12-508	enacted	Ch. 576	HB 701
16-12-509	enacted	Ch. 576	HB 701
16-12-513	enacted	Ch. 576	HB 701
16-12-514	enacted	Ch. 576	HB 701
16-12-515	enacted	Ch. 576	HB 701
16-12-520	enacted	Ch. 576	HB 701
16-12-523	enacted	Ch. 576	HB 701
16-12-524	enacted	Ch. 576	HB 701
16-12-525	enacted	Ch. 576	HB 701
16-12-526	enacted	Ch. 576	HB 701

CODE SECTIONS AFFECTED

<u>Title-Chapter-Section</u>	<u>Action</u>	<u>Chapter No.</u>	<u>Bill No.</u>
16-12-532	enacted	Ch. 576	HB 701
16-12-533	enacted	Ch. 576	HB 701
17-1-102	amended	Ch. 261	SB 57
17-2-107	amended	Ch. 261	SB 57
17-3-202	enacted	Ch. 133	HB 220
17-5-205	amended	Ch. 157	HB 58
17-5-703	amended	Ch. 330	SB 258
17-5-1650	amended	Ch. 261	SB 57
17-6-308	amended	Ch. 443	SB 134
17-7-102	amended	Ch. 351	HB 179
17-7-111	amended	Ch. 330	SB 258
	amended	Ch. 384	HB 155
17-7-130	amended	Ch. 491	SB 191
17-7-138	amended	Ch. 525	HB 497
17-7-139	amended	Ch. 525	HB 497
17-7-140	amended	Ch. 261	SB 57
	amended	Ch. 508	HB 330
17-7-142	amended	Ch. 348	HB 67
17-7-163	enacted	Ch. 355	HB 341
17-7-202	amended	Ch. 261	SB 57
17-7-209	amended	Ch. 491	SB 191
17-7-214	amended	Ch. 261	SB 57
17-7-402	amended	Ch. 491	SB 191
17-7-502	amended	Ch. 112	HB 133
	amended	Ch. 193	HB 173
	amended	Ch. 200	HB 50
	amended	Ch. 225	HB 609
	amended	Ch. 348	HB 67
	amended	Ch. 415	HB 641
	amended	Ch. 437	SB 269
	amended	Ch. 563	HB 678
	amended	Ch. 574	HB 92
17-8-410	amended	Ch. 340	SB 345
17-8-416	amended	Ch. 261	SB 57
18-2-411	amended	Ch. 229	HB 201
18-2-416	amended	Ch. 114	HB 213
18-2-501	amended	Ch. 111	HB 130
18-7-101	amended	Ch. 576	HB 701
18-8-204	amended	Ch. 111	HB 130
18-8-205	amended	Ch. 111	HB 130
19-2-401	amended	Ch. 535	HB 537
19-2-801	amended	Ch. 131	HB 164
19-2-907	amended	Ch. 172	HB 81
19-2-908	amended	Ch. 172	HB 81
19-2-1004	amended	Ch. 503	SB 399
19-2-1007	amended	Ch. 172	HB 81
19-3-117	amended	Ch. 261	SB 57
19-3-503	amended	Ch. 172	HB 81
19-3-1605	amended	Ch. 172	HB 81
19-3-2114	amended	Ch. 172	HB 81
19-3-2124	amended	Ch. 172	HB 81
19-3-2141	amended	Ch. 172	HB 81
19-5-404	amended	Ch. 272	SB 175
19-5-410	amended	Ch. 172	HB 81

<u>Title-Chapter-Section</u>	<u>Action</u>	<u>Chapter No.</u>	<u>Bill No.</u>
19-6-801	amended	Ch. 172	HB 81
19-7-803	amended	Ch. 172	HB 81
19-8-901	amended	Ch. 172	HB 81
19-9-403	amended	Ch. 172	HB 81
19-13-403	amended	Ch. 172	HB 81
19-17-407	amended	Ch. 503	SB 399
19-18-612	amended	Ch. 503	SB 399
19-19-504	amended	Ch. 503	SB 399
19-20-101	amended	Ch. 173	HB 88
	amended	Ch. 339	SB 344
19-20-201	amended	Ch. 535	HB 537
19-20-208	amended	Ch. 173	HB 88
19-20-216	amended	Ch. 261	SB 57
19-20-303	amended	Ch. 173	HB 88
19-20-605	amended	Ch. 351	HB 179
19-20-703	amended	Ch. 173	HB 88
19-20-706	amended	Ch. 503	SB 399
19-20-732	amended	Ch. 261	SB 57
19-20-905	amended	Ch. 173	HB 88
19-21-212	amended	Ch. 503	SB 399
20-1-101	amended	Ch. 18	HB 26
	amended	Ch. 247	HB 246
	amended	Ch. 406	HB 233
20-1-231	amended	Ch. 261	SB 57
20-1-232	enacted	Ch. 396	SB 248
20-1-301	amended	Ch. 151	SB 75
20-1-303	amended	Ch. 151	SB 75
20-3-110	enacted	Ch. 223	HB 556
20-3-324	amended	Ch. 247	HB 246
	amended	Ch. 253	HB 611
20-3-336	amended	Ch. 14	SB 36
20-4-101	amended	Ch. 247	HB 246
20-4-104	amended	Ch. 247	HB 246
20-4-106	amended	Ch. 247	HB 246
20-4-111	amended	Ch. 247	HB 246
20-4-134	amended	Ch. 339	SB 344
20-4-502	amended	Ch. 339	SB 344
20-4-503	amended	Ch. 321	SB 206
	amended	Ch. 503	SB 399
20-4-601	enacted	Ch. 514	HB 403
20-5-101	amended	Ch. 20	HB 68
20-5-103	amended	Ch. 316	SB 99
20-5-112	enacted	Ch. 297	SB 157
20-5-202	amended	Ch. 303	SB 283
20-5-320	amended	Ch. 238	HB 454
20-5-321	amended	Ch. 238	HB 454
20-5-323	amended	Ch. 371	HB 206
20-5-324	amended	Ch. 371	HB 206
20-5-403	amended	Ch. 294	HB 334
20-5-405	amended	Ch. 294	HB 334
20-5-406	amended	Ch. 294	HB 334
20-5-408	amended	Ch. 294	HB 334
20-6-326	amended	Ch. 551	HB 630
20-7-101	amended	Ch. 261	SB 57

<u>Title-Chapter-Section</u>	<u>Action</u>	<u>Chapter No.</u>	<u>Bill No.</u>
20-7-106	enacted	Ch. 416	HB 644
20-7-111	amended	Ch. 239	HB 543
20-7-118	amended	Ch. 247	HB 246
20-7-120	enacted	Ch. 316	SB 99
20-7-133	amended	Ch. 239	HB 543
20-7-305	amended	Ch. 69	SB 22
20-7-308	amended	Ch. 261	SB 57
20-7-403	amended	Ch. 371	HB 206
20-7-420	amended	Ch. 371	HB 206
20-7-435	amended	Ch. 371	HB 206
20-7-469	amended	Ch. 261	SB 57
20-7-502	amended	Ch. 450	SB 300
20-7-503	amended	Ch. 450	SB 300
20-7-702	amended	Ch. 351	HB 179
20-7-704	amended	Ch. 351	HB 179
20-7-705	amended	Ch. 351	HB 179
20-7-902	amended	Ch. 150	SB 109
20-7-904	amended	Ch. 261	SB 57
20-7-1305	enacted	Ch. 405	HB 112
20-7-1306	enacted	Ch. 405	HB 112
20-7-1307	enacted	Ch. 405	HB 112
20-7-1330	enacted	Ch. 80	SB 18
20-7-1335	enacted	Ch. 541	HB 572
20-7-1336	enacted	Ch. 541	HB 572
20-7-1337	enacted	Ch. 541	HB 572
20-7-1338	enacted	Ch. 541	HB 572
20-7-1403	amended	Ch. 240	HB 34
20-7-1510	enacted	Ch. 247	HB 246
20-7-1601	amended	Ch. 247	HB 246
20-7-1602	amended	Ch. 203	HB 89
	amended	Ch. 261	SB 57
20-9-116	amended	Ch. 245	HB 192
20-9-134	amended	Ch. 351	HB 179
20-9-161	amended	Ch. 261	SB 57
20-9-166	amended	Ch. 551	HB 630
20-9-236	amended	Ch. 245	HB 192
20-9-240	enacted	Ch. 562	HB 671
20-9-306	amended	Ch. 23	HB 15
	amended	Ch. 60	HB 143
	amended	Ch. 470	HB 46
20-9-310	amended	Ch. 27	SB 24
20-9-311	amended	Ch. 18	HB 26
	amended	Ch. 269	SB 72
	amended	Ch. 406	HB 233
20-9-314	amended	Ch. 107	HB 33
	amended	Ch. 551	HB 630
20-9-323	repealed	Ch. 106	HB 32
	repealed	Ch. 261	SB 57
20-9-324	enacted	Ch. 60	HB 143
20-9-326	amended	Ch. 470	HB 46
20-9-327	amended	Ch. 339	SB 344
20-9-328	amended	Ch. 261	SB 57
20-9-330	amended	Ch. 261	SB 57
20-9-343	amended	Ch. 371	HB 206

<u>Title-Chapter-Section</u>	<u>Action</u>	<u>Chapter No.</u>	<u>Bill No.</u>
20-9-366.....amended (void - sec. 3, Ch. 560)		Ch. 506	HB 303
	amended	Ch. 560	HB 663
20-9-502	amended	Ch. 245	HB 192
20-9-525	amended	Ch. 245	HB 192
20-9-534	amended	Ch. 475	HB 181
20-9-537	amended	Ch. 240	HB 34
	amended	Ch. 261	SB 57
	amended	Ch. 562	HB 671
20-9-541	repealed	Ch. 9	SB 23
20-9-542	repealed	Ch. 9	SB 23
20-9-543	amended	Ch. 9	SB 23
20-9-544	repealed	Ch. 9	SB 23
20-9-640	amended	Ch. 188	SB 305
20-9-802	amended	Ch. 151	SB 75
20-9-805	amended	Ch. 151	SB 75
20-9-806	amended	Ch. 151	SB 75
20-9-901	repealed	Ch. 480	HB 279
20-9-902	repealed	Ch. 480	HB 279
20-9-903	repealed	Ch. 480	HB 279
20-9-904	repealed	Ch. 480	HB 279
20-9-905	repealed	Ch. 480	HB 279
20-9-906	repealed	Ch. 480	HB 279
20-10-111	amended	Ch. 246	HB 207
20-10-129	enacted	Ch. 292	HB 300
20-10-131	amended	Ch. 53	SB 74
20-15-103	amended	Ch. 351	HB 179
20-15-105	amended	Ch. 351	HB 179
20-15-201	amended	Ch. 351	HB 179
20-15-202	amended	Ch. 351	HB 179
20-15-203	amended	Ch. 351	HB 179
20-15-204	amended	Ch. 351	HB 179
20-15-208	amended	Ch. 351	HB 179
20-15-209	amended	Ch. 351	HB 179
20-15-229	amended	Ch. 110	HB 100
20-15-305	amended	Ch. 351	HB 179
20-15-309	amended	Ch. 261	SB 57
	amended	Ch. 348	HB 67
	amended	Ch. 351	HB 179
20-15-310	amended	Ch. 348	HB 67
amended (void - sec. 27(1), Ch. 351)		Ch. 351	HB 179
20-15-311	amended	Ch. 351	HB 179
20-15-312	amended	Ch. 348	HB 67
amended (void - sec. 27(2), Ch. 351)		Ch. 351	HB 179
20-15-313	amended	Ch. 351	HB 179
20-15-315	enacted	Ch. 351	HB 179
20-15-316	enacted	Ch. 351	HB 179
20-15-321	amended	Ch. 351	HB 179
20-15-328	enacted	Ch. 348	HB 67
20-25-305	amended	Ch. 261	SB 57
20-25-421	amended	Ch. 240	HB 34
20-25-452	enacted	Ch. 494	SB 319
20-25-503	amended	Ch. 426	SB 243
20-25-518	enacted	Ch. 234	HB 349
20-25-519	enacted	Ch. 234	HB 349

<u>Title-Chapter-Section</u>	<u>Action</u>	<u>Chapter No.</u>	<u>Bill No.</u>
20-25-902	amended	Ch. 349	HB 129
	amended	Ch. 503	SB 399
20-25-1303	amended	Ch. 242	HB 43
20-25-1403	amended	Ch. 242	HB 43
20-25-1501	enacted	Ch. 231	HB 218
20-25-1502	enacted	Ch. 231	HB 218
20-25-1503	enacted	Ch. 231	HB 218
20-25-1504	enacted	Ch. 231	HB 218
20-25-1505	enacted	Ch. 231	HB 218
20-25-1506	enacted	Ch. 231	HB 218
20-25-1507	enacted	Ch. 231	HB 218
20-25-1508	enacted	Ch. 231	HB 218
20-26-105	amended	Ch. 261	SB 57
22-1-202	amended	Ch. 138	HB 374
22-2-602	amended	Ch. 240	HB 34
22-3-423	amended	Ch. 261	SB 57
22-3-429	amended	Ch. 535	HB 537
22-3-804	amended	Ch. 240	HB 34
22-3-1002	amended	Ch. 261	SB 57
22-3-1004	amended	Ch. 563	HB 678
22-3-1303	amended	Ch. 8	SB 6
22-3-1306	amended	Ch. 330	SB 258
22-3-1401	enacted	Ch. 538	HB 554
23-1-123	enacted	Ch. 513	HB 382
23-2-113	amended	Ch. 153	SB 38
23-2-535	amended	Ch. 498	SB 365
23-2-615	repealed	Ch. 153	SB 38
23-2-631	amended	Ch. 153	SB 38
23-2-634	amended	Ch. 153	SB 38
23-2-636	amended	Ch. 153	SB 38
23-2-641	amended	Ch. 153	SB 38
23-2-642	amended	Ch. 153	SB 38
23-4-105	amended	Ch. 567	HB 704
23-4-302	amended	Ch. 115	HB 214
23-5-112	amended	Ch. 180	HB 548
	amended	Ch. 259	SB 49
23-5-117	amended	Ch. 568	HB 705
23-5-118	amended	Ch. 259	SB 49
23-5-160	amended	Ch. 180	HB 548
23-5-501	amended	Ch. 438	SB 378
23-5-503	amended	Ch. 75	HB 193
23-5-512	amended	Ch. 438	SB 378
23-5-602	amended	Ch. 98	HB 197
23-5-604	enacted	Ch. 98	HB 197
23-5-621	amended	Ch. 98	HB 197
23-5-637	amended	Ch. 98	HB 197
23-7-202	amended	Ch. 261	SB 57
23-7-210	amended	Ch. 335	SB 309
23-7-212	amended	Ch. 335	SB 309
23-7-313	enacted	Ch. 116	HB 232
23-7-314	enacted	Ch. 567	HB 704
23-7-410	amended	Ch. 261	SB 57
25-1-201	amended	Ch. 456	SB 402
	amended	Ch. 569	HB 709

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25-1-202	amended	Ch. 502	SB 400
25-2-126	amended	Ch. 535	HB 537
25-3-106	amended	Ch. 318	SB 167
25-7-105	amended	Ch. 71	SB 69
25-13-609	amended	Ch. 539	HB 555
27-1-202	amended	Ch. 327	SB 251
27-1-302	amended	Ch. 327	SB 251
27-1-307	amended	Ch. 327	SB 251
27-1-308	amended	Ch. 327	SB 251
27-1-708	enacted	Ch. 306	SB 338
27-1-719	amended	Ch. 2	SB 65
27-1-735	amended	Ch. 374	SB 219
27-1-1601	enacted	Ch. 2	SB 65
27-1-1602	enacted	Ch. 2	SB 65
27-1-1603	enacted	Ch. 2	SB 65
27-1-1604	enacted	Ch. 2	SB 65
27-1-1605	enacted	Ch. 2	SB 65
27-1-1606	enacted	Ch. 2	SB 65
27-1-1607	enacted	Ch. 2	SB 65
27-1-1608	enacted	Ch. 2	SB 65
27-2-205	amended	Ch. 318	SB 167
27-5-323	amended	Ch. 376	SB 265
27-16-801	enacted	Ch. 207	HB 223
27-31-201	amended	Ch. 278	SB 222
27-33-101	enacted	Ch. 276	SB 215
27-33-102	enacted	Ch. 276	SB 215
27-33-103	enacted	Ch. 276	SB 215
27-33-104	enacted	Ch. 276	SB 215
27-33-105	enacted	Ch. 276	SB 215
28-11-211	amended	Ch. 168	HB 566
30-10-103	amended	Ch. 127	HB 65
30-10-115	amended	Ch. 404	HB 66
30-10-201	amended	Ch. 28	HB 41
30-10-209	amended	Ch. 404	HB 66
30-10-1101	enacted	Ch. 76	HB 64
30-10-1102	enacted	Ch. 76	HB 64
30-10-1103	enacted	Ch. 76	HB 64
30-10-1104	enacted	Ch. 76	HB 64
30-10-1105	enacted	Ch. 76	HB 64
30-10-1106	enacted	Ch. 76	HB 64
30-10-1107	enacted	Ch. 76	HB 64
30-10-1108	enacted	Ch. 76	HB 64
30-10-1109	enacted	Ch. 76	HB 64
30-10-1110	enacted	Ch. 76	HB 64
30-10-1111	enacted	Ch. 76	HB 64
30-12-301	amended	Ch. 320	SB 199
30-14-102	amended	Ch. 262	SB 101
30-14-111	amended	Ch. 535	HB 537
30-14-133	amended	Ch. 46	SB 112
.....	amended	Ch. 521	HB 472
30-14-143	amended	Ch. 256	HB 589
30-14-226	amended	Ch. 256	HB 589
30-14-227	enacted	Ch. 224	HB 558
30-14-1413	amended	Ch. 535	HB 537

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30-14-1729	amended	Ch. 447	SB 254
30-14-2701	enacted	Ch. 377	SB 266
30-14-2702	enacted	Ch. 377	SB 266
31-1-726	amended	Ch. 535	HB 537
32-1-107	amended	Ch. 325	SB 239
32-1-912	amended	Ch. 535	HB 537
32-2-101	repealed	Ch. 431	SB 308
32-2-102	repealed	Ch. 431	SB 308
32-2-103	repealed	Ch. 431	SB 308
32-2-104	repealed	Ch. 431	SB 308
32-2-105	repealed	Ch. 431	SB 308
32-2-106	repealed	Ch. 431	SB 308
32-2-107	repealed	Ch. 431	SB 308
32-2-108	repealed	Ch. 431	SB 308
32-2-109	repealed	Ch. 431	SB 308
32-2-110	repealed	Ch. 431	SB 308
32-2-111	repealed	Ch. 431	SB 308
32-2-201	repealed	Ch. 431	SB 308
32-2-202	repealed	Ch. 431	SB 308
32-2-203	repealed	Ch. 431	SB 308
32-2-204	repealed	Ch. 431	SB 308
32-2-205	repealed	Ch. 431	SB 308
32-2-206	repealed	Ch. 431	SB 308
32-2-207	repealed	Ch. 431	SB 308
32-2-208	repealed	Ch. 431	SB 308
32-2-209	repealed	Ch. 431	SB 308
32-2-210	repealed	Ch. 431	SB 308
32-2-211	repealed	Ch. 431	SB 308
32-2-212	repealed	Ch. 431	SB 308
32-2-232	repealed	Ch. 431	SB 308
32-2-233	repealed	Ch. 431	SB 308
32-2-241	repealed	Ch. 431	SB 308
32-2-242	repealed	Ch. 431	SB 308
32-2-243	repealed	Ch. 431	SB 308
32-2-244	repealed	Ch. 431	SB 308
32-2-245	repealed	Ch. 431	SB 308
32-2-251	repealed	Ch. 431	SB 308
32-2-252	repealed	Ch. 431	SB 308
32-2-253	repealed	Ch. 431	SB 308
32-2-254	repealed	Ch. 431	SB 308
32-2-255	repealed	Ch. 431	SB 308
32-2-256	repealed	Ch. 431	SB 308
32-2-257	repealed	Ch. 431	SB 308
32-2-261	repealed	Ch. 431	SB 308
32-2-262	repealed	Ch. 431	SB 308
32-2-263	repealed	Ch. 431	SB 308
32-2-264	repealed	Ch. 431	SB 308
32-2-271	repealed	Ch. 431	SB 308
32-2-301	repealed	Ch. 431	SB 308
32-2-302	repealed	Ch. 431	SB 308
32-2-303	repealed	Ch. 431	SB 308
32-2-304	repealed	Ch. 431	SB 308
32-2-305	repealed	Ch. 431	SB 308
32-2-306	repealed	Ch. 431	SB 308

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32-2-307	repealed	Ch. 431	SB 308
32-2-308	repealed	Ch. 431	SB 308
32-2-309	repealed	Ch. 431	SB 308
32-2-401	repealed	Ch. 431	SB 308
32-2-402	repealed	Ch. 431	SB 308
32-2-403	repealed	Ch. 431	SB 308
32-2-404	repealed	Ch. 431	SB 308
32-2-405	repealed	Ch. 431	SB 308
32-2-406	repealed	Ch. 431	SB 308
32-2-407	repealed	Ch. 431	SB 308
32-2-408	repealed	Ch. 431	SB 308
32-2-409	repealed	Ch. 431	SB 308
32-2-410	repealed	Ch. 431	SB 308
32-2-411	repealed	Ch. 431	SB 308
32-2-412	repealed	Ch. 431	SB 308
32-2-413	repealed	Ch. 431	SB 308
32-2-414	repealed	Ch. 431	SB 308
32-2-415	repealed	Ch. 431	SB 308
32-2-416	repealed	Ch. 431	SB 308
32-2-417	repealed	Ch. 431	SB 308
32-2-418	repealed	Ch. 431	SB 308
32-2-420	repealed	Ch. 431	SB 308
32-2-431	repealed	Ch. 431	SB 308
32-2-432	repealed	Ch. 431	SB 308
32-2-441	repealed	Ch. 431	SB 308
32-2-442	repealed	Ch. 431	SB 308
32-2-501	repealed	Ch. 431	SB 308
32-2-502	repealed	Ch. 431	SB 308
32-2-503	repealed	Ch. 431	SB 308
32-2-601	enacted	Ch. 431	SB 308
32-2-602	enacted	Ch. 431	SB 308
32-2-603	enacted	Ch. 431	SB 308
32-2-607	enacted	Ch. 431	SB 308
32-2-608	enacted	Ch. 431	SB 308
32-2-701	enacted	Ch. 431	SB 308
32-2-702	enacted	Ch. 431	SB 308
32-2-703	enacted	Ch. 431	SB 308
32-2-704	enacted	Ch. 431	SB 308
32-2-705	enacted	Ch. 431	SB 308
32-2-706	enacted	Ch. 431	SB 308
32-2-707	enacted	Ch. 431	SB 308
32-2-710	enacted	Ch. 431	SB 308
32-2-711	enacted	Ch. 431	SB 308
32-2-801	enacted	Ch. 431	SB 308
32-2-802	enacted	Ch. 431	SB 308
32-2-803	enacted	Ch. 431	SB 308
32-2-804	enacted	Ch. 431	SB 308
32-2-805	enacted	Ch. 431	SB 308
32-2-806	enacted	Ch. 431	SB 308
32-2-807	enacted	Ch. 431	SB 308
32-2-808	enacted	Ch. 431	SB 308
32-2-809	enacted	Ch. 431	SB 308
32-2-810	enacted	Ch. 431	SB 308
32-2-811	enacted	Ch. 431	SB 308

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32-2-816	enacted	Ch. 431	SB 308
32-2-817	enacted	Ch. 431	SB 308
32-2-818	enacted	Ch. 431	SB 308
32-2-819	enacted	Ch. 431	SB 308
32-2-820	enacted	Ch. 431	SB 308
32-2-821	enacted	Ch. 431	SB 308
32-2-822	enacted	Ch. 431	SB 308
32-2-823	enacted	Ch. 431	SB 308
32-2-824	enacted	Ch. 431	SB 308
32-2-825	enacted	Ch. 431	SB 308
32-2-826	enacted	Ch. 431	SB 308
32-2-827	enacted	Ch. 431	SB 308
32-2-828	enacted	Ch. 431	SB 308
32-2-829	enacted	Ch. 431	SB 308
32-2-830	enacted	Ch. 431	SB 308
32-2-831	enacted	Ch. 431	SB 308
32-2-901	enacted	Ch. 431	SB 308
32-2-902	enacted	Ch. 431	SB 308
32-2-903	enacted	Ch. 431	SB 308
32-2-904	enacted	Ch. 431	SB 308
32-2-905	enacted	Ch. 431	SB 308
32-2-906	enacted	Ch. 431	SB 308
32-2-907	enacted	Ch. 431	SB 308
32-2-908	enacted	Ch. 431	SB 308
32-2-909	enacted	Ch. 431	SB 308
32-2-910	enacted	Ch. 431	SB 308
32-2-911	enacted	Ch. 431	SB 308
32-2-912	enacted	Ch. 431	SB 308
32-2-913	enacted	Ch. 431	SB 308
32-2-914	enacted	Ch. 431	SB 308
32-2-915	enacted	Ch. 431	SB 308
32-2-916	enacted	Ch. 431	SB 308
32-2-917	enacted	Ch. 431	SB 308
32-2-918	enacted	Ch. 431	SB 308
32-2-919	enacted	Ch. 431	SB 308
32-2-920	enacted	Ch. 431	SB 308
32-2-921	enacted	Ch. 431	SB 308
32-2-922	enacted	Ch. 431	SB 308
32-2-923	enacted	Ch. 431	SB 308
32-2-924	enacted	Ch. 431	SB 308
32-2-925	enacted	Ch. 431	SB 308
32-2-930	enacted	Ch. 431	SB 308
32-2-931	enacted	Ch. 431	SB 308
32-2-932	enacted	Ch. 431	SB 308
32-2-933	enacted	Ch. 431	SB 308
32-2-934	enacted	Ch. 431	SB 308
32-2-935	enacted	Ch. 431	SB 308
32-2-936	enacted	Ch. 431	SB 308
32-2-937	enacted	Ch. 431	SB 308
32-2-938	enacted	Ch. 431	SB 308
32-2-939	enacted	Ch. 431	SB 308
32-2-940	enacted	Ch. 431	SB 308
32-2-941	enacted	Ch. 431	SB 308
32-2-942	enacted	Ch. 431	SB 308

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32-2-943	enacted	Ch. 431	SB 308
32-2-944	enacted	Ch. 431	SB 308
32-2-945	enacted	Ch. 431	SB 308
32-2-950	enacted	Ch. 431	SB 308
32-2-951	enacted	Ch. 431	SB 308
32-2-952	enacted	Ch. 431	SB 308
32-2-953	enacted	Ch. 431	SB 308
32-2-954	enacted	Ch. 431	SB 308
32-2-1001	enacted	Ch. 431	SB 308
32-2-1002	enacted	Ch. 431	SB 308
32-2-1003	enacted	Ch. 431	SB 308
32-2-1004	enacted	Ch. 431	SB 308
32-2-1005	enacted	Ch. 431	SB 308
32-2-1006	enacted	Ch. 431	SB 308
32-2-1007	enacted	Ch. 431	SB 308
32-2-1008	enacted	Ch. 431	SB 308
32-2-1009	enacted	Ch. 431	SB 308
32-2-1010	enacted	Ch. 431	SB 308
32-2-1011	enacted	Ch. 431	SB 308
32-2-1012	enacted	Ch. 431	SB 308
32-2-1013	enacted	Ch. 431	SB 308
32-2-1014	enacted	Ch. 431	SB 308
32-2-1015	enacted	Ch. 431	SB 308
32-2-1016	enacted	Ch. 431	SB 308
32-2-1017	enacted	Ch. 431	SB 308
32-2-1018	enacted	Ch. 431	SB 308
32-2-1019	enacted	Ch. 431	SB 308
32-2-1020	enacted	Ch. 431	SB 308
32-2-1021	enacted	Ch. 431	SB 308
32-2-1022	enacted	Ch. 431	SB 308
32-2-1023	enacted	Ch. 431	SB 308
32-2-1024	enacted	Ch. 431	SB 308
32-2-1030	enacted	Ch. 431	SB 308
32-2-1031	enacted	Ch. 431	SB 308
32-2-1032	enacted	Ch. 431	SB 308
32-2-1033	enacted	Ch. 431	SB 308
32-2-1034	enacted	Ch. 431	SB 308
32-2-1101	enacted	Ch. 431	SB 308
32-2-1102	enacted	Ch. 431	SB 308
32-2-1103	enacted	Ch. 431	SB 308
32-2-1104	enacted	Ch. 431	SB 308
32-2-1105	enacted	Ch. 431	SB 308
32-2-1106	enacted	Ch. 431	SB 308
32-2-1201	enacted	Ch. 431	SB 308
32-2-1202	enacted	Ch. 431	SB 308
32-2-1203	enacted	Ch. 431	SB 308
32-2-1204	enacted	Ch. 431	SB 308
32-2-1205	enacted	Ch. 431	SB 308
32-2-1206	enacted	Ch. 431	SB 308
32-2-1207	enacted	Ch. 431	SB 308
32-2-1208	enacted	Ch. 431	SB 308
32-2-1213	enacted	Ch. 431	SB 308
32-2-1214	enacted	Ch. 431	SB 308
32-2-1215	enacted	Ch. 431	SB 308

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32-2-1216	enacted	Ch. 431	SB 308
32-2-1217	enacted	Ch. 431	SB 308
32-5-402	amended	Ch. 535	HB 537
32-11-306	amended	Ch. 261	SB 57
33-1-102	amended	Ch. 262	SB 101
	amended	Ch. 422	SB 149
33-1-115	amended	Ch. 261	SB 57
33-1-201	amended	Ch. 262	SB 101
	amended	Ch. 422	SB 149
33-1-207	amended	Ch. 262	SB 101
33-1-804	amended	Ch. 535	HB 537
33-2-307	amended	Ch. 471	HB 63
33-2-407	amended	Ch. 471	HB 63
33-2-724	repealed 1/1/2022	Ch. 503	SB 399
33-2-1101	amended	Ch. 344	SB 364
33-2-1111	amended	Ch. 344	SB 364
33-2-1116	amended	Ch. 344	SB 364
33-2-1140	enacted	Ch. 344	SB 364
33-2-1216	amended	Ch. 65	HB 80
33-2-1217	amended	Ch. 65	HB 80
33-2-2401	enacted	Ch. 501	SB 395
33-2-2402	enacted	Ch. 501	SB 395
33-2-2403	enacted	Ch. 501	SB 395
33-2-2404	enacted	Ch. 501	SB 395
33-2-2405	enacted	Ch. 501	SB 395
33-2-2406	enacted	Ch. 501	SB 395
33-2-2407	enacted	Ch. 501	SB 395
33-2-2408	enacted	Ch. 501	SB 395
33-2-2409	enacted	Ch. 501	SB 395
33-2-2410	enacted	Ch. 501	SB 395
33-2-2411	enacted	Ch. 501	SB 395
33-2-2412	enacted	Ch. 501	SB 395
33-11-105	amended	Ch. 21	HB 74
33-16-201	amended	Ch. 129	HB 117
	amended	Ch. 174	HB 195
33-17-102	amended	Ch. 501	SB 395
33-18-210	amended	Ch. 129	HB 117
	amended	Ch. 174	HB 195
33-18-247	enacted	Ch. 487	SB 155
33-20-505	amended	Ch. 471	HB 63
33-20-802	amended	Ch. 432	SB 363
33-20-803	amended	Ch. 432	SB 363
33-20-804	amended	Ch. 432	SB 363
33-20-805	amended	Ch. 432	SB 363
33-20-806	amended	Ch. 432	SB 363
33-20-807	amended	Ch. 432	SB 363
33-22-101	amended	Ch. 501	SB 395
33-22-116	enacted	Ch. 352	HB 229
33-22-117	enacted	Ch. 352	HB 229
33-22-128	enacted	Ch. 209	HB 291
33-22-138	amended	Ch. 242	HB 43
33-22-140	amended	Ch. 262	SB 101
33-22-170	amended	Ch. 501	SB 395
33-22-174	amended	Ch. 501	SB 395

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33-22-211	amended	Ch. 471	HB 63
33-22-702	amended	Ch. 277	SB 217
	amended	Ch. 323	SB 216
33-22-705	amended	Ch. 277	SB 217
33-22-707	enacted	Ch. 323	SB 216
33-22-1313	amended	Ch. 471	HB 63
33-22-1316	amended	Ch. 471	HB 63
33-23-501	repealed	Ch. 21	HB 74
33-23-502	repealed	Ch. 21	HB 74
33-23-503	repealed	Ch. 21	HB 74
33-23-507	repealed	Ch. 21	HB 74
33-23-508	repealed	Ch. 21	HB 74
33-23-509	repealed	Ch. 21	HB 74
33-23-510	repealed	Ch. 21	HB 74
33-23-511	repealed	Ch. 21	HB 74
33-23-512	repealed	Ch. 21	HB 74
33-23-513	repealed	Ch. 21	HB 74
33-23-514	repealed	Ch. 21	HB 74
33-23-515	repealed	Ch. 21	HB 74
33-23-519	repealed	Ch. 21	HB 74
33-23-520	repealed	Ch. 21	HB 74
33-23-521	repealed	Ch. 21	HB 74
33-23-522	repealed	Ch. 21	HB 74
33-23-523	repealed	Ch. 21	HB 74
33-23-524	repealed	Ch. 21	HB 74
33-23-525	repealed	Ch. 21	HB 74
33-23-526	repealed	Ch. 21	HB 74
33-24-301	enacted	Ch. 121	HB 290
33-24-302	enacted	Ch. 121	HB 290
33-24-303	enacted	Ch. 121	HB 290
33-24-304	enacted	Ch. 121	HB 290
33-24-305	enacted	Ch. 121	HB 290
33-24-306	enacted	Ch. 121	HB 290
33-24-307	enacted	Ch. 121	HB 290
33-27-101	amended	Ch. 503	SB 399
33-27-102	amended	Ch. 503	SB 399
33-27-103	amended	Ch. 503	SB 399
33-28-108	amended	Ch. 55	SB 28
33-28-120	amended	Ch. 420	SB 76
33-30-101	amended	Ch. 262	SB 101
33-30-102	amended	Ch. 501	SB 395
33-31-102	amended	Ch. 262	SB 101
33-31-111	amended	Ch. 209	HB 291
	amended	Ch. 501	SB 395
33-32-102	amended	Ch. 471	HB 63
33-35-306	amended	Ch. 209	HB 291
	amended	Ch. 277	SB 217
	amended	Ch. 323	SB 216
	amended	Ch. 501	SB 395
33-38-102	amended	Ch. 501	SB 395
35-2-525	enacted	Ch. 185	SB 145
35-2-526	amended	Ch. 185	SB 145
35-2-550	enacted	Ch. 185	SB 145
35-14-141	amended	Ch. 34	SB 66

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35-14-701	amended	Ch. 34	SB 66
35-14-702	amended	Ch. 34	SB 66
35-14-705	amended	Ch. 34	SB 66
35-14-709	amended	Ch. 34	SB 66
35-14-720	amended	Ch. 34	SB 66
35-14-850	amended	Ch. 34	SB 66
35-14-1021	amended	Ch. 34	SB 66
35-14-1505	amended	Ch. 34	SB 66
35-18-102	amended	Ch. 74	HB 103
35-18-207	amended	Ch. 74	HB 103
35-18-303	amended	Ch. 74	HB 103
37-1-107	amended	Ch. 261	SB 57
37-1-136	amended	Ch. 576	HB 701
37-1-139	enacted	Ch. 481	SB 39
37-1-145	amended	Ch. 261	SB 57
37-1-316	amended	Ch. 576	HB 701
37-1-332	amended	Ch. 535	HB 537
37-1-401	amended	Ch. 206	HB 217
37-2-104	amended	Ch. 454	SB 374
37-2-305	enacted	Ch. 497	SB 357
37-3-102	amended	Ch. 242	HB 43
37-3-203	amended	Ch. 261	SB 57
	amended	Ch. 576	HB 701
37-4-104	amended	Ch. 503	SB 399
37-7-101	amended	Ch. 497	SB 357
37-7-103	amended	Ch. 454	SB 374
37-7-201	amended	Ch. 497	SB 357
37-7-1513	amended	Ch. 535	HB 537
37-7-1514	amended	Ch. 261	SB 57
37-11-101	amended	Ch. 242	HB 43
	amended	Ch. 497	SB 357
37-11-105	amended	Ch. 242	HB 43
	amended	Ch. 497	SB 357
37-11-301	amended	Ch. 57	SB 70
37-11-303	amended	Ch. 57	SB 70
37-11-304	amended	Ch. 57	SB 70
37-11-311	amended	Ch. 57	SB 70
37-13-103	amended	Ch. 393	SB 121
37-15-102	amended	Ch. 78	HB 210
	amended	Ch. 497	SB 357
37-15-202	amended	Ch. 497	SB 357
37-15-301	amended	Ch. 78	HB 210
37-15-302	amended	Ch. 78	HB 210
37-15-303	amended	Ch. 78	HB 210
37-15-307	amended	Ch. 78	HB 210
37-15-311	amended	Ch. 78	HB 210
37-15-313	repealed	Ch. 78	HB 210
37-15-314amended (void - sec. 14, Ch. 497)		Ch. 78	HB 210
	amended	Ch. 497	SB 357
37-15-315	amended	Ch. 497	SB 357
37-17-304	repealed	Ch. 43	SB 90
37-17-310	repealed	Ch. 43	SB 90
37-17-319	enacted	Ch. 43	SB 90
37-17-320	enacted	Ch. 43	SB 90

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37-18-101	amended	Ch. 392	SB 106
37-18-102	amended	Ch. 392	SB 106
37-18-104	amended	Ch. 392	SB 106
37-18-309	enacted	Ch. 392	SB 106
37-18-502	amended	Ch. 392	SB 106
37-18-701	enacted	Ch. 392	SB 106
37-18-702	enacted	Ch. 392	SB 106
37-18-703	enacted	Ch. 392	SB 106
37-19-204	enacted	Ch. 160	HB 139
37-22-102	amended	Ch. 178	HB 295
37-22-201	amended	Ch. 479	HB 276
37-22-301	amended	Ch. 50	SB 102
	amended	Ch. 113	HB 177
37-22-305	amended	Ch. 50	SB 102
37-22-307	amended	Ch. 50	SB 102
	amended	Ch. 178	HB 295
37-22-308	amended	Ch. 50	SB 102
	amended	Ch. 178	HB 295
37-23-102	amended	Ch. 178	HB 295
37-23-202	amended	Ch. 50	SB 102
amended (void - sec. 5, Ch. 113)		Ch. 113	HB 177
37-31-101	amended	Ch. 544	HB 593
37-31-203	amended	Ch. 544	HB 593
37-31-301	amended	Ch. 544	HB 593
37-31-302	amended	Ch. 544	HB 593
37-31-303	amended	Ch. 544	HB 593
37-31-304	amended	Ch. 544	HB 593
37-31-305	amended	Ch. 544	HB 593
37-31-308	amended	Ch. 544	HB 593
37-31-311	amended	Ch. 544	HB 593
37-31-312	amended	Ch. 544	HB 593
37-31-323	amended	Ch. 544	HB 593
37-31-331	amended	Ch. 544	HB 593
37-33-406	amended	Ch. 99	HB 234
37-35-102	amended	Ch. 50	SB 102
37-35-202.. amended (replaced - sec. 6, Ch. 113)		Ch. 113	HB 177
	amended	Ch. 299	SB 166
37-37-201	amended	Ch. 113	HB 177
37-47-201	amended	Ch. 281	SB 275
37-47-301	amended	Ch. 281	SB 275
37-47-302	amended	Ch. 281	SB 275
37-47-310	amended	Ch. 281	SB 275
37-47-313	amended	Ch. 281	SB 275
37-47-341	amended	Ch. 281	SB 275
37-47-344	amended	Ch. 281	SB 275
37-47-345	amended	Ch. 281	SB 275
37-47-401	amended	Ch. 281	SB 275
37-49-101	enacted	Ch. 206	HB 217
37-49-102	enacted	Ch. 206	HB 217
37-49-103	enacted	Ch. 206	HB 217
37-49-104	enacted	Ch. 206	HB 217
37-49-201	enacted	Ch. 206	HB 217
37-49-202	enacted	Ch. 206	HB 217
37-51-325	amended	Ch. 22	HB 153

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37-61-420	amended	Ch. 270	SB 168
37-69-304	amended	Ch. 67	HB 180
37-69-305	amended	Ch. 67	HB 180
37-69-323	amended	Ch. 67	HB 180
39-2-210	amended	Ch. 576	HB 701
39-2-313	amended	Ch. 576	HB 701
39-2-703	repealed	Ch. 117	HB 254
39-2-704	repealed	Ch. 117	HB 254
39-2-903	amended	Ch. 117	HB 254
39-2-904	amended	Ch. 117	HB 254
39-2-905	amended	Ch. 117	HB 254
39-2-910	enacted	Ch. 117	HB 254
39-2-911	amended	Ch. 117	HB 254
39-2-912	amended	Ch. 117	HB 254
39-3-218	enacted	Ch. 379	SB 190
39-11-404	enacted	Ch. 550	HB 629
39-12-103	amended	Ch. 261	SB 57
.....	amended	Ch. 547	HB 614
39-12-107	amended	Ch. 547	HB 614
39-31-204	repealed	Ch. 233	HB 289
39-31-401	amended	Ch. 233	HB 289
39-51-203	amended	Ch. 345	SB 367
39-51-701	enacted	Ch. 425	SB 234
39-51-702	enacted	Ch. 425	SB 234
39-51-703	enacted	Ch. 425	SB 234
39-51-706	enacted	Ch. 425	SB 234
39-51-2303	amended	Ch. 555	HB 655
39-71-108	enacted	Ch. 63	SB 118
39-71-116	amended	Ch. 197	HB 446
39-71-118	amended	Ch. 14	SB 36
.....	amended	Ch. 136	HB 283
39-71-119	amended	Ch. 197	HB 446
39-71-407	amended	Ch. 555	HB 655
.....	amended	Ch. 576	HB 701
39-71-419	amended	Ch. 345	SB 367
39-71-606	amended	Ch. 79	HB 199
39-71-717	amended	Ch. 79	HB 199
39-71-725	amended	Ch. 132	HB 198
39-71-1101	amended	Ch. 197	HB 446
39-71-2215	repealed	Ch. 79	HB 199
39-71-2375	amended	Ch. 261	SB 57
.....	amended	Ch. 501	SB 395
39-71-2901	amended	Ch. 62	SB 140
40-1-203	amended	Ch. 14	SB 36
40-4-105	amended	Ch. 131	HB 164
40-4-121	amended	Ch. 131	HB 164
40-4-126	enacted	Ch. 131	HB 164
40-4-219	amended	Ch. 219	HB 393
40-6-214	amended	Ch. 213	HB 307
40-6-301	repealed	Ch. 213	HB 307
40-6-302	repealed	Ch. 213	HB 307
40-6-303	repealed	Ch. 213	HB 307
40-6-701	enacted	Ch. 502	SB 400
40-15-102	amended	Ch. 255	HB 480

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40-15-116	amended	Ch. 255	HB 480
40-16-101	enacted	Ch. 32	SB 104
40-16-102	enacted	Ch. 32	SB 104
40-16-103	enacted	Ch. 32	SB 104
40-16-104	enacted	Ch. 32	SB 104
40-16-105	enacted	Ch. 32	SB 104
40-16-106	enacted	Ch. 32	SB 104
40-16-107	enacted	Ch. 32	SB 104
40-16-108	enacted	Ch. 32	SB 104
40-16-109	enacted	Ch. 32	SB 104
40-16-110	enacted	Ch. 32	SB 104
40-16-111	enacted	Ch. 32	SB 104
40-16-112	enacted	Ch. 32	SB 104
40-16-113	enacted	Ch. 32	SB 104
40-16-114	enacted	Ch. 32	SB 104
40-16-115	enacted	Ch. 32	SB 104
40-16-116	enacted	Ch. 32	SB 104
40-16-117	enacted	Ch. 32	SB 104
40-16-118	enacted	Ch. 32	SB 104
40-16-119	enacted	Ch. 32	SB 104
40-16-120	enacted	Ch. 32	SB 104
40-16-121	enacted	Ch. 32	SB 104
40-16-122	enacted	Ch. 32	SB 104
40-16-123	enacted	Ch. 32	SB 104
40-16-124	enacted	Ch. 32	SB 104
40-16-125	enacted	Ch. 32	SB 104
40-16-126	enacted	Ch. 32	SB 104
40-16-127	enacted	Ch. 32	SB 104
40-16-128	enacted	Ch. 32	SB 104
41-1-305	amended	Ch. 47	SB 17
41-2-103	amended	Ch. 135	HB 282
41-2-107	amended	Ch. 135	HB 282
41-2-109	amended	Ch. 135	HB 282
41-2-110	amended	Ch. 135	HB 282
41-3-102	amended	Ch. 19	HB 60
	amended	Ch. 202	HB 57
	amended	Ch. 520	HB 459
41-3-108	amended	Ch. 520	HB 459
41-3-122	repealed	Ch. 261	SB 57
41-3-123	amended	Ch. 261	SB 57
41-3-127	enacted	Ch. 520	HB 459
41-3-128	enacted	Ch. 520	HB 459
41-3-129	enacted	Ch. 520	HB 459
41-3-130	enacted	Ch. 520	HB 459
41-3-201	amended	Ch. 216	HB 364
	amended	Ch. 520	HB 459
41-3-202	amended	Ch. 19	HB 60
	amended	Ch. 364	HB 539
	amended	Ch. 520	HB 459
41-3-205	amended	Ch. 19	HB 60
	amended	Ch. 520	HB 459
41-3-209	amended	Ch. 19	HB 60
	amended	Ch. 411	HB 426
41-3-210	amended	Ch. 364	HB 539

<u>Title-Chapter-Section</u>	<u>Action</u>	<u>Chapter No.</u>	<u>Bill No.</u>
41-3-301	amended	Ch. 19	HB 60
	amended	Ch. 383	HB 90
	amended	Ch. 520	HB 459
	amended	Ch. 529	HB 503
41-3-302	amended	Ch. 19	HB 60
41-3-306	enacted	Ch. 383	HB 90
41-3-307	enacted	Ch. 529	HB 503
41-3-422	amended	Ch. 19	HB 60
41-3-423	amended	Ch. 19	HB 60
	amended	Ch. 222	HB 499
41-3-427	amended	Ch. 520	HB 459
41-3-441	enacted	Ch. 202	HB 57
41-3-445	amended	Ch. 520	HB 459
41-3-1209	amended	Ch. 549	HB 625
41-3-1211	amended	Ch. 261	SB 57
	amended	Ch. 411	HB 426
	amended	Ch. 549	HB 625
41-3-1212	amended	Ch. 411	HB 426
	amended	Ch. 549	HB 625
41-3-1214	enacted	Ch. 388	HB 398
41-3-1215	enacted	Ch. 549	HB 625
41-5-103	amended	Ch. 339	SB 344
41-5-106	amended	Ch. 339	SB 344
41-5-122	amended	Ch. 339	SB 344
41-5-206	amended	Ch. 339	SB 344
41-5-208	amended	Ch. 339	SB 344
41-5-216	amended	Ch. 576	HB 701
41-5-355	amended	Ch. 339	SB 344
41-5-1416	amended	Ch. 339	SB 344
41-5-1430	amended	Ch. 339	SB 344
41-5-1503	amended	Ch. 339	SB 344
41-5-1504	amended	Ch. 339	SB 344
41-5-1512	amended	Ch. 339	SB 344
41-5-1513	amended	Ch. 339	SB 344
41-5-1522	amended	Ch. 339	SB 344
41-5-1523	amended	Ch. 339	SB 344
41-5-2002	amended	Ch. 339	SB 344
41-5-2003	amended	Ch. 261	SB 57
41-5-2005	amended	Ch. 339	SB 344
42-2-408	amended	Ch. 175	HB 208
42-2-409	amended	Ch. 175	HB 208
42-2-412	amended	Ch. 175	HB 208
42-2-414	enacted	Ch. 175	HB 208
42-2-604	amended	Ch. 175	HB 208
42-4-102	amended	Ch. 175	HB 208
42-4-103	amended	Ch. 175	HB 208
42-4-405	amended	Ch. 175	HB 208
42-7-101	amended	Ch. 175	HB 208
42-7-102	amended	Ch. 175	HB 208
42-7-105	amended	Ch. 528	HB 502
44-1-504	amended	Ch. 472	HB 72
44-2-411	amended (void - sec. 12, Ch. 240)	Ch. 240	HB 34
	amended	Ch. 243	HB 98
	amended	Ch. 268	SB 4

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44-2-412	amended	Ch. 243	HB 98
44-3-201	amended	Ch. 123	HB 313
44-3-203	amended	Ch. 123	HB 313
44-3-204	amended	Ch. 123	HB 313
44-3-211	amended	Ch. 123	HB 313
44-4-403	amended	Ch. 83	HB 28
44-4-1205	amended	Ch. 498	SB 365
44-4-1501	amended	Ch. 14	SB 36
44-4-1606	amended	Ch. 261	SB 57
44-5-103	amended	Ch. 369	HB 665
44-5-301	amended	Ch. 369	HB 665
44-5-303	amended	Ch. 540	HB 559
44-6-104	enacted	Ch. 413	HB 602
44-7-101	amended	Ch. 83	HB 28
44-7-110	amended	Ch. 417	HB 696
44-7-204	amended	Ch. 566	HB 693
44-7-302	amended	Ch. 261	SB 57
45-3-111	amended	Ch. 3	HB 102
45-5-106	amended	Ch. 498	SB 365
45-5-205	amended	Ch. 498	SB 365
45-5-207	amended	Ch. 498	SB 365
45-5-210	amended	Ch. 436	SB 220
45-5-214	amended	Ch. 339	SB 344
45-5-623	amended	Ch. 66	HB 105
45-5-624	amended	Ch. 312	HB 517
45-5-628	amended	Ch. 498	SB 365
45-6-203	amended	Ch. 527	HB 501
45-7-202	amended	Ch. 565	HB 689
45-7-205	amended	Ch. 280	SB 240
45-7-307	amended	Ch. 339	SB 344
45-8-313	amended	Ch. 386	HB 333
45-8-316	amended	Ch. 3	HB 102
45-8-317	repealed	Ch. 3	HB 102
45-8-318	amended	Ch. 339	SB 344
45-8-328	amended	Ch. 3	HB 102
45-8-338	enacted	Ch. 301	SB 223
45-8-339	repealed	Ch. 3	HB 102
45-8-351	amended	Ch. 3	HB 102
45-8-353	enacted	Ch. 3	HB 102
45-8-354	enacted	Ch. 3	HB 102
45-8-355	enacted	Ch. 3	HB 102
45-8-356	enacted	Ch. 3	HB 102
45-8-357	enacted	Ch. 3	HB 102
45-8-358	enacted	Ch. 3	HB 102
45-8-359	enacted	Ch. 3	HB 102
45-8-361	amended	Ch. 541	HB 572
45-8-365	enacted	Ch. 282	HB 258
45-8-366	enacted	Ch. 282	HB 258
45-8-367	enacted	Ch. 282	HB 258
45-8-368	enacted	Ch. 282	HB 258
45-9-101	amended	Ch. 295	HB 391
	amended	Ch. 576	HB 701
45-9-102	amended	Ch. 576	HB 701
45-9-103	amended	Ch. 576	HB 701

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45-9-110	amended	Ch. 576	HB 701
45-9-127	amended	Ch. 576	HB 701
45-9-203	amended	Ch. 576	HB 701
45-10-103	amended	Ch. 576	HB 701
45-10-107	amended	Ch. 576	HB 701
46-4-122	amended	Ch. 123	HB 313
46-4-123	amended	Ch. 123	HB 313
46-5-112	amended	Ch. 339	SB 344
46-5-601	amended	Ch. 361	HB 479
46-5-602	amended	Ch. 361	HB 479
46-9-108	amended	Ch. 412	HB 449
46-15-406	amended	Ch. 196	HB 310
46-16-130	amended	Ch. 498	SB 365
46-18-111	amended	Ch. 481	SB 39
46-18-201	amended	Ch. 498	SB 365
	amended	Ch. 537	HB 553
46-18-202	amended	Ch. 576	HB 701
46-18-236	amended	Ch. 498	SB 365
46-18-403	amended	Ch. 283	HB 451
46-19-101	amended	Ch. 543	HB 578
46-23-102	amended	Ch. 339	SB 344
46-23-201	amended	Ch. 339	SB 344
46-23-506	amended	Ch. 227	HB 91
46-23-507	amended	Ch. 227	HB 91
46-23-509	amended	Ch. 481	SB 39
46-23-1011	amended	Ch. 566	HB 693
46-23-1016	enacted	Ch. 482	SB 47
46-23-1028	amended	Ch. 261	SB 57
46-23-1041	amended	Ch. 574	HB 92
46-32-101	enacted	Ch. 574	HB 92
46-32-102	enacted	Ch. 574	HB 92
46-32-103	enacted	Ch. 574	HB 92
46-32-104	enacted	Ch. 574	HB 92
46-32-105	enacted	Ch. 574	HB 92
46-32-106	enacted	Ch. 574	HB 92
46-32-107	enacted	Ch. 574	HB 92
46-32-108	enacted	Ch. 574	HB 92
47-1-125	amended	Ch. 261	SB 57
49-2-309	amended	Ch. 250	HB 379
49-2-312	enacted	Ch. 418	HB 702
49-2-313	enacted	Ch. 418	HB 702
49-4-301	amended	Ch. 390	HB 598
49-4-302	amended	Ch. 390	HB 598
49-4-303	amended	Ch. 390	HB 598
49-4-304	amended	Ch. 390	HB 598
49-4-305	amended	Ch. 109	HB 83
	amended	Ch. 390	HB 598
49-4-306	amended	Ch. 390	HB 598
49-4-307	amended	Ch. 390	HB 598
49-4-310	amended	Ch. 390	HB 598
49-4-601	enacted	Ch. 487	SB 155
49-4-602	enacted	Ch. 487	SB 155
49-4-603	enacted	Ch. 487	SB 155
49-4-604	enacted	Ch. 487	SB 155

<u>Title-Chapter-Section</u>	<u>Action</u>	<u>Chapter No.</u>	<u>Bill No.</u>
50-1-101	amended	Ch. 204	HB 121
50-1-115	amended	Ch. 548	HB 620
50-1-116	enacted	Ch. 548	HB 620
50-1-117	enacted	Ch. 548	HB 620
50-1-118	enacted	Ch. 548	HB 620
50-2-116	amended (void - sec. 12, Ch. 408)	Ch. 204	HB 121
	amended	Ch. 324	SB 233
	amended	Ch. 408	HB 257
50-2-118	amended (void - sec. 13, Ch. 408)	Ch. 204	HB 121
	amended	Ch. 408	HB 257
50-2-120	amended	Ch. 41	SB 67
	amended	Ch. 97	HB 144
50-2-123	amended	Ch. 408	HB 257
50-2-124	amended (void - sec. 14, Ch. 408)	Ch. 204	HB 121
	amended	Ch. 408	HB 257
50-2-130	amended	Ch. 204	HB 121
50-4-105	amended	Ch. 262	SB 101
50-4-106	enacted	Ch. 262	SB 101
50-4-107	enacted	Ch. 262	SB 101
50-4-108	enacted	Ch. 262	SB 101
50-4-109	enacted	Ch. 262	SB 101
50-4-111	enacted	Ch. 422	SB 149
50-5-101	amended	Ch. 339	SB 344
	amended	Ch. 477	HB 231
50-5-112	amended	Ch. 535	HB 537
50-5-113	amended	Ch. 535	HB 537
50-5-301	amended	Ch. 339	SB 344
	amended	Ch. 477	HB 231
50-5-302	amended	Ch. 477	HB 231
50-5-304	amended	Ch. 477	HB 231
50-5-307	amended	Ch. 477	HB 231
50-5-308	amended	Ch. 477	HB 231
50-5-309	amended	Ch. 477	HB 231
50-6-402	amended	Ch. 261	SB 57
50-6-504	amended	Ch. 535	HB 537
50-15-101	amended	Ch. 14	SB 36
50-15-111	amended	Ch. 160	HB 139
50-15-224	enacted	Ch. 332	SB 280
50-19-203	amended	Ch. 372	HB 423
50-19-205	enacted	Ch. 372	HB 423
50-20-105	amended	Ch. 308	HB 140
50-20-109	amended	Ch. 307	HB 136
50-20-113	enacted	Ch. 308	HB 140
50-20-601	enacted	Ch. 307	HB 136
50-20-602	enacted	Ch. 307	HB 136
50-20-603	enacted	Ch. 307	HB 136
50-20-604	enacted	Ch. 307	HB 136
50-20-605	enacted	Ch. 307	HB 136
50-20-606	enacted	Ch. 307	HB 136
50-20-701	enacted	Ch. 309	HB 171
50-20-702	enacted	Ch. 309	HB 171
50-20-703	enacted	Ch. 309	HB 171
50-20-704	enacted	Ch. 309	HB 171
50-20-705	enacted	Ch. 309	HB 171

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50-20-706	enacted	Ch. 309	HB 171
50-20-707	enacted	Ch. 309	HB 171
50-20-708	enacted	Ch. 309	HB 171
50-20-709	enacted	Ch. 309	HB 171
50-20-710	enacted	Ch. 309	HB 171
50-20-711	enacted	Ch. 309	HB 171
50-20-712	enacted	Ch. 309	HB 171
50-20-713	enacted	Ch. 309	HB 171
50-20-714	enacted	Ch. 309	HB 171
50-30-102	amended	Ch. 535	HB 537
50-31-104	amended	Ch. 320	SB 199
50-31-106	amended	Ch. 320	SB 199
50-31-108	amended	Ch. 320	SB 199
50-31-201	amended	Ch. 320	SB 199
50-31-307	amended	Ch. 454	SB 374
50-32-609	amended	Ch. 363	HB 520
50-37-105	amended	Ch. 68	HB 215
50-46-301	repealed 1/1/2022	Ch. 576	HB 701
50-46-302	amended	Ch. 242	HB 43
	amended	Ch. 293	HB 331
	amended	Ch. 576	HB 701
	repealed 1/1/2022	Ch. 576	HB 701
50-46-303	amended	Ch. 555	HB 655
	amended	Ch. 576	HB 701
	repealed 1/1/2022	Ch. 576	HB 701
50-46-304	repealed 1/1/2022	Ch. 576	HB 701
50-46-305	repealed 1/1/2022	Ch. 576	HB 701
50-46-307	amended	Ch. 576	HB 701
	repealed 1/1/2022	Ch. 576	HB 701
50-46-308	repealed 1/1/2022	Ch. 576	HB 701
50-46-309	repealed 1/1/2022	Ch. 576	HB 701
50-46-310	repealed 1/1/2022	Ch. 576	HB 701
50-46-311	repealed 1/1/2022	Ch. 576	HB 701
50-46-312	repealed 1/1/2022	Ch. 576	HB 701
50-46-317	repealed 1/1/2022	Ch. 576	HB 701
50-46-318	repealed 1/1/2022	Ch. 576	HB 701
50-46-319	amended	Ch. 576	HB 701
	repealed 1/1/2022	Ch. 576	HB 701
50-46-320	amended	Ch. 498	SB 365
	repealed 1/1/2022	Ch. 576	HB 701
50-46-326	repealed 1/1/2022	Ch. 576	HB 701
50-46-327	repealed 1/1/2022	Ch. 576	HB 701
50-46-328	repealed 1/1/2022	Ch. 576	HB 701
50-46-329	amended	Ch. 261	SB 57
	repealed 1/1/2022	Ch. 576	HB 701
50-46-330	repealed 1/1/2022	Ch. 576	HB 701
50-46-331	repealed 1/1/2022	Ch. 576	HB 701
50-46-332	repealed 1/1/2022	Ch. 576	HB 701
50-46-339	repealed 1/1/2022	Ch. 576	HB 701
50-46-340	repealed 1/1/2022	Ch. 576	HB 701
50-46-341	amended	Ch. 505	HB 249
	repealed 1/1/2022	Ch. 576	HB 701
50-46-342	repealed 1/1/2022	Ch. 576	HB 701
50-46-343	amended	Ch. 261	SB 57
	repealed 1/1/2022	Ch. 576	HB 701

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50-46-344	amended	Ch. 505	HB 249
	repealed 1/1/2022	Ch. 576	HB 701
50-46-345	amended	Ch. 576	HB 701
	repealed 1/1/2022	Ch. 576	HB 701
50-46-346	amended	Ch. 576	HB 701
	repealed 1/1/2022	Ch. 576	HB 701
50-46-347	amended	Ch. 576	HB 701
	repealed 1/1/2022	Ch. 576	HB 701
50-49-201	enacted	Ch. 320	SB 199
50-49-202	enacted	Ch. 320	SB 199
50-49-203	enacted	Ch. 320	SB 199
50-50-301	amended	Ch. 320	SB 199
50-51-114	amended	Ch. 503	SB 399
50-53-103	amended	Ch. 146	SB 152
50-60-203	amended	Ch. 273	SB 178
50-71-115	amended	Ch. 240	HB 34
50-74-203	repealed	Ch. 440	SB 396
50-74-219	repealed	Ch. 440	SB 396
50-74-303	amended	Ch. 440	SB 396
50-74-304	amended	Ch. 440	SB 396
50-74-318	enacted	Ch. 440	SB 396
52-2-111	amended	Ch. 356	HB 416
52-2-211	amended	Ch. 261	SB 57
52-2-302	amended	Ch. 339	SB 344
52-2-311	amended	Ch. 261	SB 57
	amended	Ch. 347	HB 574
52-2-703	amended	Ch. 421	SB 142
52-2-737	enacted	Ch. 421	SB 142
52-2-901	enacted	Ch. 214	HB 328
52-3-111	repealed	Ch. 208	HB 280
52-5-101	amended	Ch. 339	SB 344
52-5-108	amended	Ch. 339	SB 344
52-5-109	amended	Ch. 339	SB 344
52-5-110	amended	Ch. 339	SB 344
52-5-111	amended	Ch. 339	SB 344
52-5-112	amended	Ch. 339	SB 344
52-5-113	amended	Ch. 339	SB 344
52-5-114	amended	Ch. 339	SB 344
52-5-120	amended	Ch. 339	SB 344
52-5-121	amended	Ch. 339	SB 344
52-5-126	amended	Ch. 339	SB 344
52-5-128	amended	Ch. 339	SB 344
52-8-103	amended	Ch. 528	HB 502
52-8-104	amended	Ch. 175	HB 208
53-1-104	amended	Ch. 339	SB 344
53-1-105	amended	Ch. 339	SB 344
53-1-107	amended	Ch. 339	SB 344
53-1-109	amended	Ch. 339	SB 344
53-1-201	amended	Ch. 339	SB 344
53-1-202	amended	Ch. 293	HB 331
	amended	Ch. 339	SB 344
53-1-203	amended	Ch. 339	SB 344
53-1-207	amended	Ch. 339	SB 344
53-1-211	amended	Ch. 261	SB 57

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53-1-216	amended	Ch. 240	HB 34
	amended	Ch. 261	SB 57
	amended	Ch. 382	HB 73
53-1-611	amended	Ch. 261	SB 57
53-2-211	amended	Ch. 503	SB 399
53-2-212	enacted	Ch. 384	HB 155
53-3-116	amended	Ch. 213	HB 307
53-4-209	amended	Ch. 261	SB 57
53-4-1110	amended	Ch. 155	HB 37
53-6-101	amended	Ch. 491	SB 191
53-6-110	amended	Ch. 261	SB 57
	amended	Ch. 477	HB 231
53-6-113	amended	Ch. 155	HB 37
	amended	Ch. 497	SB 357
53-6-116	amended	Ch. 261	SB 57
53-6-122	enacted	Ch. 497	SB 357
53-6-131	amended	Ch. 155	HB 37
53-6-155	amended	Ch. 497	SB 357
53-6-402	amended	Ch. 258	SB 43
53-6-403	enacted	Ch. 84	HB 38
53-6-404	enacted	Ch. 176	HB 275
53-6-407	enacted	Ch. 257	SB 33
53-6-413	enacted	Ch. 258	SB 43
53-6-710	amended	Ch. 261	SB 57
53-6-1201	amended	Ch. 576	HB 701
53-6-1302	amended	Ch. 547	HB 614
53-6-1325	amended	Ch. 261	SB 57
53-9-103	amended	Ch. 498	SB 365
53-9-128	amended	Ch. 230	HB 211
53-9-131	amended	Ch. 535	HB 537
53-19-319	amended	Ch. 142	SB 205
53-20-204	amended	Ch. 577	HB 691
53-20-216	enacted	Ch. 577	HB 691
53-20-225	amended	Ch. 261	SB 57
53-21-508	amended	Ch. 261	SB 57
53-21-1101	amended	Ch. 87	HB 70
53-21-1102	amended	Ch. 87	HB 70
	amended	Ch. 365	HB 549
53-21-1207	amended	Ch. 576	HB 701
53-25-117	amended	Ch. 503	SB 399
53-25-118	amended	Ch. 503	SB 399
53-25-122	amended	Ch. 31	HB 51
53-30-101	amended	Ch. 339	SB 344
53-30-102	amended	Ch. 339	SB 344
53-30-141	amended	Ch. 339	SB 344
53-30-604	amended	Ch. 261	SB 57
53-30-702	amended	Ch. 339	SB 344
	amended	Ch. 557	HB 658
53-30-708	amended	Ch. 557	HB 658
60-1-236	enacted	Ch. 7	SB 5
60-1-237	enacted	Ch. 44	SB 96
60-1-238	enacted	Ch. 414	HB 610
60-2-112	amended	Ch. 111	HB 130
60-2-134	amended	Ch. 111	HB 130

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60-2-137	amended	Ch. 111	HB 130
60-2-145	enacted	Ch. 111	HB 130
60-4-202	amended	Ch. 88	HB 75
60-4-203	amended	Ch. 88	HB 75
60-4-501	enacted	Ch. 221	HB 494
60-4-601	enacted	Ch. 439	SB 392
60-5-530	enacted	Ch. 112	HB 133
61-1-101	amended	Ch. 109	HB 83
	amended	Ch. 389	HB 445
	amended	Ch. 498	SB 365
61-2-107	amended	Ch. 498	SB 365
61-2-109	amended	Ch. 261	SB 57
61-2-302	amended	Ch. 498	SB 365
61-3-103	amended	Ch. 566	HB 693
61-3-109	amended	Ch. 566	HB 693
61-3-202	amended	Ch. 130	HB 141
61-3-203	amended	Ch. 566	HB 693
61-3-206	amended	Ch. 109	HB 83
61-3-208	amended	Ch. 296	HB 586
61-3-211	amended	Ch. 42	SB 79
61-3-224	amended	Ch. 389	HB 445
61-3-226	enacted	Ch. 130	HB 141
61-3-301	amended	Ch. 118	HB 266
61-3-303	amended	Ch. 77	HB 96
	amended	Ch. 389	HB 445
61-3-311	amended	Ch. 389	HB 445
61-3-312	amended	Ch. 389	HB 445
61-3-318	amended	Ch. 407	HB 247
61-3-321	amended	Ch. 153	SB 38
61-3-323	amended	Ch. 407	HB 247
61-3-324	amended	Ch. 407	HB 247
61-3-325	amended	Ch. 407	HB 247
61-3-332	amended	Ch. 252	HB 482
	amended	Ch. 389	HB 445
	amended	Ch. 390	HB 598
61-3-426	amended	Ch. 390	HB 598
61-3-456	amended	Ch. 389	HB 445
61-3-709	repealed	Ch. 89	HB 77
61-3-710	amended	Ch. 89	HB 77
61-4-107	amended	Ch. 535	HB 537
61-4-111	amended	Ch. 389	HB 445
61-4-128	amended	Ch. 389	HB 445
61-4-129	amended	Ch. 389	HB 445
61-4-201	amended	Ch. 389	HB 445
61-4-207	amended	Ch. 389	HB 445
61-4-213	amended	Ch. 389	HB 445
61-4-215	enacted	Ch. 389	HB 445
61-4-216	enacted	Ch. 389	HB 445
61-4-217	enacted	Ch. 389	HB 445
61-4-225	enacted	Ch. 389	HB 445
61-5-102	amended	Ch. 217	HB 383
61-5-104	amended	Ch. 119	HB 270
61-5-106	amended	Ch. 450	SB 300
	amended	Ch. 570	HB 462
61-5-108	amended	Ch. 570	HB 462

<u>Title-Chapter-Section</u>	<u>Action</u>	<u>Chapter No.</u>	<u>Bill No.</u>
61-5-111	amended	Ch. 452	SB 336
	amended	Ch. 566	HB 693
61-5-123	amended	Ch. 237	HB 438
61-5-129	amended	Ch. 566	HB 693
61-5-132	amended	Ch. 450	SB 300
	amended	Ch. 570	HB 462
61-5-150	enacted	Ch. 381	SB 372
61-5-205	amended	Ch. 498	SB 365
61-5-208	amended	Ch. 498	SB 365
61-5-212	amended	Ch. 498	SB 365
61-5-218	amended	Ch. 498	SB 365
61-5-231	amended	Ch. 498	SB 365
61-5-405	amended	Ch. 498	SB 365
61-8-101	amended	Ch. 498	SB 365
61-8-102	amended	Ch. 498	SB 365
61-8-301	amended	Ch. 478	HB 267
61-8-312	amended	Ch. 89	HB 77
61-8-346	amended	Ch. 385	HB 264
61-8-351	amended	Ch. 478	HB 267
61-8-392	enacted	Ch. 52	SB 9
61-8-401	repealed 1/1/2022	Ch. 498	SB 365
61-8-402	amended	Ch. 373	HB 478
	repealed 1/1/2022	Ch. 498	SB 365
	amended	Ch. 576	HB 701
61-8-403	repealed 1/1/2022	Ch. 498	SB 365
61-8-404	repealed 1/1/2022	Ch. 498	SB 365
	amended	Ch. 576	HB 701
61-8-405	repealed 1/1/2022	Ch. 498	SB 365
	amended	Ch. 576	HB 701
61-8-406	repealed 1/1/2022	Ch. 498	SB 365
61-8-407	repealed 1/1/2022	Ch. 498	SB 365
61-8-408	repealed 1/1/2022	Ch. 498	SB 365
61-8-409	repealed 1/1/2022	Ch. 498	SB 365
	amended	Ch. 576	HB 701
61-8-410	repealed 1/1/2022	Ch. 498	SB 365
61-8-411	repealed 1/1/2022	Ch. 498	SB 365
61-8-421	repealed 1/1/2022	Ch. 498	SB 365
61-8-422	repealed 1/1/2022	Ch. 498	SB 365
61-8-440	repealed 1/1/2022	Ch. 498	SB 365
61-8-441	repealed 1/1/2022	Ch. 498	SB 365
61-8-442	repealed 1/1/2022	Ch. 498	SB 365
	amended	Ch. 576	HB 701
61-8-460	repealed 1/1/2022	Ch. 498	SB 365
61-8-461	repealed 1/1/2022	Ch. 498	SB 365
61-8-465	repealed 1/1/2022	Ch. 498	SB 365
61-8-714	repealed 1/1/2022	Ch. 498	SB 365
61-8-715	amended	Ch. 385	HB 264
61-8-722	repealed 1/1/2022	Ch. 498	SB 365
61-8-731	amended	Ch. 473	HB 115
	repealed 1/1/2022	Ch. 498	SB 365
61-8-732	repealed 1/1/2022	Ch. 498	SB 365
61-8-733	repealed 1/1/2022	Ch. 498	SB 365
61-8-734	repealed 1/1/2022	Ch. 498	SB 365
61-8-741	repealed 1/1/2022	Ch. 498	SB 365
61-8-803	amended	Ch. 385	HB 264

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61-8-805	amended	Ch. 498	SB 365
61-8-807	amended	Ch. 498	SB 365
61-8-812	amended	Ch. 535	HB 537
61-8-815	amended	Ch. 535	HB 537
61-8-1001	enacted	Ch. 498	SB 365
61-8-1002	enacted	Ch. 498	SB 365
61-8-1007	enacted	Ch. 498	SB 365
61-8-1008	enacted	Ch. 498	SB 365
61-8-1009	enacted	Ch. 498	SB 365
61-8-1010	enacted	Ch. 498	SB 365
61-8-1011	enacted	Ch. 498	SB 365
61-8-1016	enacted	Ch. 498	SB 365
61-8-1017	enacted	Ch. 498	SB 365
61-8-1018	enacted	Ch. 498	SB 365
61-8-1019	enacted	Ch. 498	SB 365
61-8-1024	enacted	Ch. 498	SB 365
61-8-1025	enacted	Ch. 498	SB 365
61-8-1026	enacted	Ch. 498	SB 365
61-8-1027	enacted	Ch. 576	HB 701
61-8-1031	enacted	Ch. 498	SB 365
61-8-1032	enacted	Ch. 498	SB 365
61-8-1033	enacted	Ch. 498	SB 365
61-9-228	amended	Ch. 201	HB 55
61-9-402	amended	Ch. 246	HB 207
61-9-420	amended	Ch. 100	HB 256
61-9-520	amended	Ch. 126	HB 56
61-10-104	amended	Ch. 89	HB 77
61-10-121	amended	Ch. 89	HB 77
61-10-124	amended	Ch. 89	HB 77
61-10-141	amended	Ch. 89	HB 77
61-10-144	amended	Ch. 89	HB 77
61-10-146	amended	Ch. 89	HB 77
61-10-154	amended	Ch. 37	SB 3
	amended	Ch. 126	HB 56
61-11-101	amended	Ch. 498	SB 365
	amended	Ch. 576	HB 701
61-11-510	amended	Ch. 142	SB 205
61-12-401	amended	Ch. 165	HB 309
	amended	Ch. 552	HB 637
61-12-402	amended	Ch. 165	HB 309
61-12-404	amended	Ch. 165	HB 309
61-12-405	amended	Ch. 165	HB 309
61-14-101	amended	Ch. 389	HB 445
	amended	Ch. 407	HB 247
61-14-201	amended	Ch. 381	SB 372
67-1-211	amended	Ch. 498	SB 365
67-10-901	amended	Ch. 469	HB 20
67-10-902	amended	Ch. 469	HB 20
67-10-903	amended	Ch. 469	HB 20
67-10-904	amended	Ch. 469	HB 20
67-11-303	amended	Ch. 503	SB 399
69-1-222	amended	Ch. 261	SB 57
69-3-225	enacted	Ch. 490	SB 183
69-3-308	amended	Ch. 14	SB 36
	amended	Ch. 322	SB 213

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69-3-330	amended	Ch. 322	SB 213
69-3-331	amended	Ch. 54	HB 85
69-3-401	repealed	Ch. 322	SB 213
69-3-402	repealed	Ch. 322	SB 213
69-3-403	repealed	Ch. 322	SB 213
69-3-404	repealed	Ch. 322	SB 213
69-3-405	repealed	Ch. 322	SB 213
69-3-604	amended	Ch. 300	SB 201
69-3-713	repealed	Ch. 11	SB 30
69-3-1206	amended	Ch. 300	SB 201
69-3-1209	amended	Ch. 11	SB 30
69-3-2001	repealed	Ch. 542	HB 576
69-3-2002	repealed	Ch. 542	HB 576
69-3-2003amended (void - sec. 10, Ch. 542)	Ch. 360	HB 475	
amended (void - sec. 9, Ch. 542)	Ch. 375	SB 237	
repealed	Ch. 542	HB 576	
69-3-2004amended (void - sec. 9, Ch. 542)	Ch. 375	SB 237	
repealed	Ch. 542	HB 576	
69-3-2005amended (void - sec. 9, Ch. 542)	Ch. 375	SB 237	
repealed	Ch. 542	HB 576	
69-3-2006amended (void - sec. 10, Ch. 542)	Ch. 360	HB 475	
amended (void - sec. 9, Ch. 542)	Ch. 375	SB 237	
repealed	Ch. 542	HB 576	
69-3-2007	repealed	Ch. 542	HB 576
69-3-2008	repealed	Ch. 542	HB 576
69-4-1001	amended	Ch. 546	HB 606
69-4-1004	amended	Ch. 546	HB 606
69-4-1005	enacted	Ch. 546	HB 606
69-5-121	amended	Ch. 542	HB 576
69-8-402	amended	Ch. 261	SB 57
69-12-101	amended	Ch. 512	HB 365
69-12-102	amended	Ch. 89	HB 77
amended	Ch. 212	HB 306	
69-12-201	amended	Ch. 512	HB 365
69-12-205	amended	Ch. 512	HB 365
69-12-301	amended	Ch. 512	HB 365
69-12-312	repealed	Ch. 512	HB 365
69-12-314	amended	Ch. 512	HB 365
69-12-321	amended	Ch. 512	HB 365
69-12-322	amended	Ch. 512	HB 365
69-12-323	amended	Ch. 512	HB 365
69-12-324	amended	Ch. 512	HB 365
69-12-403	amended	Ch. 512	HB 365
69-12-404	amended	Ch. 512	HB 365
69-12-406	amended	Ch. 512	HB 365
69-12-407	amended	Ch. 512	HB 365
69-12-408	amended	Ch. 89	HB 77
69-12-501	amended	Ch. 512	HB 365
69-12-502	amended	Ch. 512	HB 365
69-12-611	amended	Ch. 512	HB 365
70-9-803	amended	Ch. 17	HB 23
amended	Ch. 503	SB 399	
70-17-106	amended	Ch. 453	SB 354
70-17-113	enacted	Ch. 304	SB 286
70-17-114	enacted	Ch. 453	SB 354

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70-19-427	amended	Ch. 46	SB 112
70-23-102	amended	Ch. 164	HB 304
70-23-309	enacted	Ch. 185	SB 145
70-24-103	amended	Ch. 536	HB 541
70-24-112	enacted	Ch. 235	HB 401
70-24-113	enacted	Ch. 536	HB 541
70-24-201	amended	Ch. 536	HB 541
70-24-303	amended	Ch. 2	SB 65
	amended	Ch. 536	HB 541
70-24-312	amended	Ch. 536	HB 541
70-24-401	amended	Ch. 536	HB 541
70-24-404	amended	Ch. 236	HB 402
70-24-422	amended	Ch. 236	HB 402
	amended	Ch. 536	HB 541
70-24-423	amended	Ch. 236	HB 402
70-24-427	amended	Ch. 517	HB 439
70-24-430	amended	Ch. 536	HB 541
70-25-201	amended	Ch. 536	HB 541
70-32-103	amended	Ch. 33	SB 68
70-32-104	amended	Ch. 442	SB 114
70-33-103	amended	Ch. 536	HB 541
70-33-109	enacted	Ch. 235	HB 401
70-33-201	amended	Ch. 536	HB 541
70-33-303	amended	Ch. 536	HB 541
70-33-312	amended	Ch. 536	HB 541
70-33-321	amended	Ch. 536	HB 541
70-33-401	amended	Ch. 536	HB 541
70-33-403	amended	Ch. 236	HB 402
70-33-422	amended	Ch. 236	HB 402
70-33-423	amended	Ch. 236	HB 402
70-33-430	amended	Ch. 536	HB 541
70-33-433	amended	Ch. 536	HB 541
71-1-313	amended	Ch. 447	SB 254
71-3-1201	amended	Ch. 391	SB 83
71-3-1203	amended	Ch. 391	SB 83
72-5-305	amended	Ch. 40	SB 31
72-5-316	amended	Ch. 40	SB 31
72-5-319	amended	Ch. 40	SB 31
72-5-321	amended	Ch. 40	SB 31
72-6-111	amended	Ch. 130	HB 141
72-6-412	amended	Ch. 143	SB 200
72-6-415	amended	Ch. 143	SB 200
72-6-416	amended	Ch. 143	SB 200
72-17-202	amended	Ch. 415	HB 641
72-30-207	amended	Ch. 267	HB 463
72-38-103	amended	Ch. 325	SB 239
72-38-105	amended	Ch. 325	SB 239
72-38-603	amended	Ch. 325	SB 239
72-38-703	amended	Ch. 325	SB 239
72-38-808	repealed	Ch. 325	SB 239
72-39-101	enacted	Ch. 177	HB 293
72-39-102	enacted	Ch. 177	HB 293
72-39-103	enacted	Ch. 177	HB 293
72-39-104	enacted	Ch. 177	HB 293

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72-39-201	enacted	Ch. 177	HB 293
72-39-202	enacted	Ch. 177	HB 293
72-39-203	enacted	Ch. 177	HB 293
72-39-204	enacted	Ch. 177	HB 293
72-39-205	enacted	Ch. 177	HB 293
72-39-206	enacted	Ch. 177	HB 293
72-39-207	enacted	Ch. 177	HB 293
72-39-208	enacted	Ch. 177	HB 293
72-39-209	enacted	Ch. 177	HB 293
72-39-210	enacted	Ch. 177	HB 293
72-39-211	enacted	Ch. 177	HB 293
72-39-212	enacted	Ch. 177	HB 293
72-39-213	enacted	Ch. 177	HB 293
72-39-214	enacted	Ch. 177	HB 293
72-39-215	enacted	Ch. 177	HB 293
72-39-216	enacted	Ch. 177	HB 293
72-39-217	enacted	Ch. 177	HB 293
72-39-218	enacted	Ch. 177	HB 293
72-39-219	enacted	Ch. 177	HB 293
72-39-220	enacted	Ch. 177	HB 293
72-39-221	enacted	Ch. 177	HB 293
72-39-222	enacted	Ch. 177	HB 293
72-39-223	enacted	Ch. 177	HB 293
72-39-301	enacted	Ch. 177	HB 293
72-39-302	enacted	Ch. 177	HB 293
72-39-303	enacted	Ch. 177	HB 293
72-40-101	enacted	Ch. 325	SB 239
72-40-102	enacted	Ch. 325	SB 239
72-40-103	enacted	Ch. 325	SB 239
72-40-104	enacted	Ch. 325	SB 239
72-40-105	enacted	Ch. 325	SB 239
72-40-110	enacted	Ch. 325	SB 239
72-40-111	enacted	Ch. 325	SB 239
72-40-112	enacted	Ch. 325	SB 239
72-40-113	enacted	Ch. 325	SB 239
72-40-114	enacted	Ch. 325	SB 239
72-40-115	enacted	Ch. 325	SB 239
72-40-116	enacted	Ch. 325	SB 239
72-40-117	enacted	Ch. 325	SB 239
72-40-118	enacted	Ch. 325	SB 239
72-40-119	enacted	Ch. 325	SB 239
72-40-120	enacted	Ch. 325	SB 239
72-40-121	enacted	Ch. 325	SB 239
72-40-122	enacted	Ch. 325	SB 239
75-1-108	amended	Ch. 535	HB 537
75-1-207	amended	Ch. 409	HB 273
75-1-314	amended	Ch. 261	SB 57
75-1-1001	amended	Ch. 324	SB 233
75-1-1101	amended	Ch. 261	SB 57
75-2-103	amended	Ch. 409	HB 273
	amended	Ch. 503	SB 399
75-2-105	amended	Ch. 324	SB 233
75-2-111	amended	Ch. 324	SB 233
75-2-112	amended	Ch. 324	SB 233

<u>Title-Chapter-Section</u>	<u>Action</u>	<u>Chapter No.</u>	<u>Bill No.</u>
75-2-201	amended	Ch. 324	SB 233
75-2-202	amended	Ch. 324	SB 233
75-2-203	amended	Ch. 324	SB 233
75-2-204	amended	Ch. 324	SB 233
75-2-206	amended	Ch. 324	SB 233
75-2-207	amended	Ch. 324	SB 233
75-2-211	amended	Ch. 324	SB 233
75-2-212	amended	Ch. 324	SB 233
75-2-215	amended	Ch. 324	SB 233
75-2-217	amended	Ch. 324	SB 233
75-2-218	amended	Ch. 324	SB 233
75-2-219	amended	Ch. 324	SB 233
75-2-220	amended	Ch. 324	SB 233
75-2-221	amended	Ch. 324	SB 233
75-2-231	amended	Ch. 324	SB 233
75-2-234	amended	Ch. 324	SB 233
75-2-301	amended	Ch. 324	SB 233
75-2-302	amended	Ch. 324	SB 233
75-2-401	amended	Ch. 535	HB 537
75-2-413	amended	Ch. 535	HB 537
75-2-422	amended	Ch. 324	SB 233
75-2-428	amended	Ch. 324	SB 233
75-2-514	amended	Ch. 535	HB 537
75-5-103	amended	Ch. 324	SB 233
	amended	Ch. 342	SB 358
	amended	Ch. 409	HB 273
	amended	Ch. 503	SB 399
75-5-105	amended	Ch. 342	SB 358
75-5-106	amended	Ch. 324	SB 233
75-5-107	enacted	Ch. 535	HB 537
75-5-201	amended	Ch. 324	SB 233
75-5-203	amended	Ch. 324	SB 233
75-5-222	amended	Ch. 324	SB 233
75-5-301	amended	Ch. 324	SB 233
75-5-302	amended	Ch. 324	SB 233
75-5-303	amended	Ch. 324	SB 233
75-5-304	amended	Ch. 324	SB 233
75-5-305	amended	Ch. 324	SB 233
75-5-307	amended	Ch. 324	SB 233
75-5-308	amended	Ch. 324	SB 233
75-5-310	amended	Ch. 324	SB 233
75-5-311	amended	Ch. 324	SB 233
75-5-312	amended	Ch. 324	SB 233
75-5-313	amended	Ch. 324	SB 233
	repealed	Ch. 342	SB 358
75-5-314	repealed	Ch. 342	SB 358
75-5-315	amended	Ch. 324	SB 233
75-5-316	amended	Ch. 324	SB 233
75-5-317	amended	Ch. 342	SB 358
75-5-318	amended	Ch. 324	SB 233
75-5-319	repealed	Ch. 342	SB 358
75-5-320	amended	Ch. 342	SB 358
75-5-321	enacted	Ch. 342	SB 358
75-5-401	amended	Ch. 324	SB 233

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75-5-402	amended	Ch. 324	SB 233
75-5-502	amended	Ch. 324	SB 233
75-5-514	amended	Ch. 324	SB 233
75-5-515	amended	Ch. 324	SB 233
75-5-516	amended	Ch. 324	SB 233
75-5-611	amended	Ch. 535	HB 537
75-5-631	amended	Ch. 535	HB 537
75-5-703	amended	Ch. 261	SB 57
75-5-802	amended	Ch. 324	SB 233
75-5-1121	amended	Ch. 29	HB 62
75-5-1122	amended	Ch. 29	HB 62
75-6-102	amended	Ch. 341	SB 348
75-6-103	repealed	Ch. 324	SB 233
75-6-104	amended	Ch. 324	SB 233
	amended	Ch. 341	SB 348
75-6-105	amended	Ch. 324	SB 233
75-6-106	amended	Ch. 324	SB 233
75-6-107	amended	Ch. 324	SB 233
75-6-108	amended	Ch. 324	SB 233
75-6-112	amended	Ch. 324	SB 233
75-6-114	amended	Ch. 535	HB 537
75-6-116	amended	Ch. 324	SB 233
75-6-121	amended	Ch. 324	SB 233
75-6-131	amended	Ch. 324	SB 233
75-6-227	amended	Ch. 29	HB 62
75-7-123	amended	Ch. 331	SB 261
75-8-103	amended	Ch. 441	SB 87
75-8-110	enacted	Ch. 441	SB 87
75-8-201	enacted	Ch. 553	HB 648
75-10-104	amended	Ch. 324	SB 233
75-10-106	repealed	Ch. 324	SB 233
75-10-111	amended	Ch. 261	SB 57
75-10-112	amended	Ch. 324	SB 233
75-10-115	amended	Ch. 324	SB 233
75-10-221	amended	Ch. 324	SB 233
75-10-228	amended	Ch. 535	HB 537
75-10-240	enacted	Ch. 553	HB 648
75-10-417	amended	Ch. 535	HB 537
75-10-424	amended	Ch. 535	HB 537
75-10-542	amended	Ch. 535	HB 537
75-10-711	amended	Ch. 535	HB 537
	amended	Ch. 572	SB 316
75-10-715	amended	Ch. 535	HB 537
75-10-729	enacted	Ch. 572	SB 316
75-10-743	amended	Ch. 261	SB 57
75-10-1223	amended	Ch. 535	HB 537
75-10-1301	amended	Ch. 93	HB 116
75-10-1302	amended	Ch. 93	HB 116
75-10-1303	amended	Ch. 93	HB 116
75-10-1305	amended	Ch. 93	HB 116
75-10-1601	amended	Ch. 261	SB 57
75-11-223	amended	Ch. 535	HB 537
75-11-505	amended	Ch. 324	SB 233
75-11-508	amended	Ch. 324	SB 233

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75-11-516	amended	Ch. 535	HB 537
75-11-518	amended	Ch. 535	HB 537
75-11-521	amended	Ch. 261	SB 57
75-11-525	amended	Ch. 535	HB 537
75-20-104	amended	Ch. 13	SB 35
	amended	Ch. 291	HB 170
	amended	Ch. 409	HB 273
75-20-105	amended	Ch. 324	SB 233
75-20-201	amended	Ch. 13	SB 35
	amended	Ch. 291	HB 170
	amended	Ch. 409	HB 273
75-20-207	amended	Ch. 13	SB 35
75-20-208	amended	Ch. 13	SB 35
75-20-211	amended	Ch. 13	SB 35
75-20-213	amended	Ch. 553	HB 648
75-20-216	amended	Ch. 324	SB 233
75-20-219	amended	Ch. 553	HB 648
75-20-228	enacted	Ch. 553	HB 648
75-20-301	amended	Ch. 13	SB 35
75-20-303	amended	Ch. 13	SB 35
75-20-304	amended	Ch. 13	SB 35
75-20-406	amended	Ch. 324	SB 233
75-20-407	amended	Ch. 324	SB 233
75-20-1001	amended	Ch. 324	SB 233
75-20-1201	repealed	Ch. 409	HB 273
75-20-1202	amended	Ch. 13	SB 35
	repealed	Ch. 409	HB 273
75-20-1203	amended	Ch. 324	SB 233
	repealed	Ch. 409	HB 273
75-20-1204	repealed	Ch. 409	HB 273
75-20-1205	amended	Ch. 324	SB 233
	repealed	Ch. 409	HB 273
76-2-101	amended	Ch. 533	HB 527
76-2-109	amended	Ch. 526	HB 498
	amended	Ch. 533	HB 527
76-2-114	enacted	Ch. 249	HB 259
76-2-203	amended	Ch. 249	HB 259
76-2-205	amended	Ch. 380	SB 294
76-2-209	amended	Ch. 545	HB 599
76-2-212	enacted	Ch. 380	SB 294
76-2-227	amended	Ch. 263	SB 135
76-2-229	enacted	Ch. 380	SB 294
76-2-302	amended	Ch. 249	HB 259
76-2-402	amended	Ch. 362	HB 496
76-3-201	amended	Ch. 358	HB 450
76-3-501	amended	Ch. 319	SB 174
76-3-504	amended	Ch. 319	SB 174
76-3-514	enacted	Ch. 249	HB 259
76-3-604	amended	Ch. 319	SB 174
76-3-608	amended	Ch. 275	SB 211
	amended	Ch. 319	SB 174
76-3-612	amended	Ch. 210	HB 292
76-3-620	amended	Ch. 319	SB 174
76-3-622	amended	Ch. 324	SB 233

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76-3-623	enacted	Ch. 190	SB 161
76-3-625	amended	Ch. 190	SB 161
76-4-102	amended	Ch. 419	SB 44
76-4-103	amended	Ch. 419	SB 44
76-4-104	amended	Ch. 49	SB 54
.....	amended	Ch. 419	SB 44
76-4-105	amended	Ch. 419	SB 44
76-4-109	amended	Ch. 535	HB 537
76-4-111	amended	Ch. 419	SB 44
76-4-113	amended	Ch. 419	SB 44
76-4-116	amended	Ch. 261	SB 57
76-4-125	amended	Ch. 419	SB 44
.....	amended	Ch. 518	HB 444
76-4-129	amended	Ch. 419	SB 44
76-4-130	amended	Ch. 419	SB 44
76-4-131	amended	Ch. 419	SB 44
76-4-1001	amended	Ch. 324	SB 233
76-8-103	amended	Ch. 484	SB 52
76-13-119	enacted	Ch. 169	HB 594
76-13-410	amended	Ch. 193	HB 173
76-13-417	enacted	Ch. 193	HB 173
76-15-106	amended	Ch. 138	HB 374
76-22-101	renumbered 87-5-901	Ch. 326	SB 249
76-22-102	renumbered 87-5-902	Ch. 326	SB 249
76-22-103	renumbered 87-5-903	Ch. 326	SB 249
76-22-104	renumbered 87-5-904	Ch. 326	SB 249
76-22-105	renumbered 87-5-905	Ch. 326	SB 249
76-22-109	amended	Ch. 285	SB 230
.....	amended and renumbered 87-5-909	Ch. 326	SB 249
76-22-110	renumbered 87-5-910	Ch. 326	SB 249
76-22-111	renumbered 87-5-911	Ch. 326	SB 249
76-22-112	renumbered 87-5-912	Ch. 326	SB 249
76-22-113	renumbered 87-5-913	Ch. 326	SB 249
76-22-114	renumbered 87-5-914	Ch. 326	SB 249
76-22-115	renumbered 87-5-915	Ch. 326	SB 249
76-22-116	renumbered 87-5-916	Ch. 326	SB 249
.....	amended	Ch. 428	SB 284
76-22-117	renumbered 87-5-917	Ch. 326	SB 249
76-22-118	amended	Ch. 261	SB 57
.....	renumbered 87-5-918	Ch. 326	SB 249
77-1-118	enacted	Ch. 513	HB 382
77-1-223	amended	Ch. 261	SB 57
77-1-902	amended	Ch. 313	SB 63
77-1-1112	amended	Ch. 334	SB 302
77-2-107	amended	Ch. 535	HB 537
77-2-366	amended	Ch. 261	SB 57
77-4-301	enacted	Ch. 313	SB 63
77-4-302	enacted	Ch. 313	SB 63
77-4-303	enacted	Ch. 313	SB 63
77-4-304	enacted	Ch. 313	SB 63
77-4-305	enacted	Ch. 313	SB 63
80-1-104	amended	Ch. 576	HB 701
80-5-130	amended	Ch. 122	HB 294
80-7-902	amended	Ch. 90	HB 93

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80-7-913	enacted	Ch. 90	HB 93
80-7-1003	amended	Ch. 192	HB 152
80-7-1006	amended	Ch. 261	SB 57
80-7-1010	amended	Ch. 192	HB 152
80-7-1015	amended	Ch. 192	HB 152
80-7-1019	amended	Ch. 192	HB 152
80-7-1026	amended	Ch. 261	SB 57
80-7-1030	amended	Ch. 125	HB 40
80-7-1203	amended	Ch. 261	SB 57
80-8-209	amended	Ch. 14	SB 36
80-9-101	amended	Ch. 179	HB 396
80-9-201	amended	Ch. 179	HB 396
80-9-202	amended	Ch. 179	HB 396
80-11-103	amended	Ch. 564	HB 681
80-11-105	enacted	Ch. 564	HB 681
80-15-105	amended	Ch. 324	SB 233
80-15-110	amended	Ch. 324	SB 233
80-15-201	amended	Ch. 324	SB 233
80-18-101	amended	Ch. 59	HB 142
80-18-102	amended	Ch. 59	HB 142
80-18-103	amended	Ch. 59	HB 142
80-18-106	amended	Ch. 59	HB 142
80-18-107	amended	Ch. 59	HB 142
80-18-111	amended	Ch. 59	HB 142
81-1-101	amended	Ch. 507	HB 318
81-2-102	amended	Ch. 320	SB 199
81-2-105	amended	Ch. 320	SB 199
81-2-120	amended	Ch. 354	HB 302
81-9-104	enacted	Ch. 410	HB 336
81-9-201	amended	Ch. 320	SB 199
81-9-218	amended	Ch. 320	SB 199
81-21-101	amended	Ch. 320	SB 199
81-21-102	amended	Ch. 320	SB 199
81-21-103	amended	Ch. 320	SB 199
81-22-101	amended	Ch. 320	SB 199
81-22-102	amended	Ch. 320	SB 199
81-22-201	amended	Ch. 320	SB 199
81-22-303	amended	Ch. 320	SB 199
81-22-304	amended	Ch. 320	SB 199
81-22-401	amended	Ch. 320	SB 199
81-22-405	amended	Ch. 320	SB 199
81-22-412	amended	Ch. 320	SB 199
81-22-413	amended	Ch. 320	SB 199
81-22-416	amended	Ch. 320	SB 199
81-22-420	amended	Ch. 320	SB 199
81-22-421	amended	Ch. 320	SB 199
81-22-503	amended	Ch. 320	SB 199
81-23-101	amended	Ch. 189	SB 131
81-23-103	amended	Ch. 320	SB 199
81-23-303	amended	Ch. 189	SB 131
81-23-401	amended	Ch. 320	SB 199
81-23-405	amended	Ch. 320	SB 199
82-1-601	enacted	Ch. 522	HB 481
82-1-602	enacted	Ch. 522	HB 481

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82-1-603	enacted	Ch. 522	HB 481
82-1-604	enacted	Ch. 522	HB 481
82-2-701	amended	Ch. 261	SB 57
82-4-102	amended	Ch. 324	SB 233
82-4-111	repealed	Ch. 324	SB 233
82-4-112	amended	Ch. 324	SB 233
82-4-123	amended	Ch. 324	SB 233
82-4-129	amended	Ch. 324	SB 233
82-4-142	amended	Ch. 535	HB 537
82-4-203	amended	Ch. 337	SB 328
82-4-204	repealed	Ch. 324	SB 233
82-4-205	amended	Ch. 324	SB 233
82-4-207	amended	Ch. 324	SB 233
82-4-223	amended	Ch. 324	SB 233
82-4-226	amended	Ch. 324	SB 233
82-4-231	amended	Ch. 324	SB 233
82-4-232	amended	Ch. 324	SB 233
	amended	Ch. 337	SB 328
82-4-234	amended	Ch. 324	SB 233
82-4-235	amended	Ch. 324	SB 233
82-4-239	amended	Ch. 324	SB 233
82-4-254	amended	Ch. 324	SB 233
	amended	Ch. 535	HB 537
82-4-301	amended	Ch. 152	SB 53
82-4-303	amended	Ch. 152	SB 53
82-4-304	amended	Ch. 324	SB 233
82-4-309	amended	Ch. 324	SB 233
82-4-321	amended	Ch. 324	SB 233
82-4-332	amended	Ch. 324	SB 233
82-4-335	amended	Ch. 152	SB 53
	amended	Ch. 324	SB 233
82-4-337	amended	Ch. 152	SB 53
82-4-338	amended	Ch. 152	SB 53
	amended	Ch. 324	SB 233
82-4-339	amended	Ch. 152	SB 53
	amended	Ch. 324	SB 233
82-4-342	amended	Ch. 152	SB 53
	amended	Ch. 324	SB 233
82-4-343	enacted	Ch. 152	SB 53
82-4-354	amended	Ch. 535	HB 537
82-4-361	amended	Ch. 535	HB 537
82-4-371	amended	Ch. 324	SB 233
82-4-403	amended	Ch. 545	HB 599
82-4-405	amended	Ch. 428	SB 284
82-4-406	amended	Ch. 324	SB 233
82-4-422	amended	Ch. 324	SB 233
82-4-427	amended	Ch. 535	HB 537
82-4-431	amended	Ch. 545	HB 599
82-4-432	amended	Ch. 545	HB 599
82-4-434	amended	Ch. 545	HB 599
82-4-437	amended	Ch. 324	SB 233
82-4-439	amended	Ch. 545	HB 599
82-4-440	repealed	Ch. 545	HB 599
82-4-441	amended	Ch. 535	HB 537

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82-4-445	amended	Ch. 324	SB 233
82-4-1001	amended	Ch. 324	SB 233
82-11-112	amended	Ch. 526	HB 498
	amended	Ch. 533	HB 527
82-15-102	amended	Ch. 324	SB 233
82-15-120	amended	Ch. 535	HB 537
85-1-203	amended	Ch. 261	SB 57
	amended	Ch. 284	SB 20
85-1-501	amended	Ch. 261	SB 57
85-1-605	amended	Ch. 261	SB 57
85-1-621	amended	Ch. 261	SB 57
85-1-704	amended	Ch. 261	SB 57
85-1-811	amended	Ch. 378	HB 131
85-1-812	enacted	Ch. 378	HB 131
85-1-813	enacted	Ch. 378	HB 131
85-2-105	amended	Ch. 261	SB 57
85-2-231	amended	Ch. 154	SB 13
85-2-271	amended	Ch. 154	SB 13
85-2-281	amended	Ch. 261	SB 57
85-2-311	amended	Ch. 317	SB 136
85-2-316	amended	Ch. 261	SB 57
85-2-338	amended	Ch. 261	SB 57
85-2-350	amended	Ch. 261	SB 57
	repealed	Ch. 284	SB 20
85-2-402	amended	Ch. 317	SB 136
85-2-424	amended	Ch. 260	SB 55
85-2-431	amended	Ch. 260	SB 55
	amended	Ch. 535	HB 537
85-2-436	amended	Ch. 261	SB 57
85-6-109	amended	Ch. 535	HB 537
85-7-2013	amended	Ch. 495	SB 326
85-7-2014	amended	Ch. 495	SB 326
85-7-2015	amended	Ch. 495	SB 326
85-7-2016	repealed	Ch. 495	SB 326
85-7-2017	repealed	Ch. 495	SB 326
85-7-2018	repealed	Ch. 495	SB 326
85-7-2019	amended	Ch. 495	SB 326
85-7-2031	amended	Ch. 495	SB 326
85-7-2032	amended	Ch. 495	SB 326
85-7-2042	enacted	Ch. 495	SB 326
85-7-2043	enacted	Ch. 495	SB 326
85-7-2044	enacted	Ch. 495	SB 326
85-7-2045	enacted	Ch. 495	SB 326
85-7-2046	enacted	Ch. 495	SB 326
85-7-2047	enacted	Ch. 495	SB 326
85-7-2048	enacted	Ch. 495	SB 326
85-7-2049	enacted	Ch. 495	SB 326
85-7-2050	enacted	Ch. 495	SB 326
85-7-2115	amended	Ch. 495	SB 326
85-7-2211	amended	Ch. 305	SB 307
85-7-2212	amended	Ch. 305	SB 307
87-1-126	enacted	Ch. 513	HB 382
87-1-201	amended	Ch. 232	HB 242
	amended	Ch. 261	SB 57
87-1-205	repealed	Ch. 56	SB 56

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87-1-209	amended	Ch. 149	SB 115
87-1-216	amended	Ch. 354	HB 302
87-1-250	amended	Ch. 261	SB 57
87-1-265	amended	Ch. 552	HB 637
87-1-269	amended	Ch. 261	SB 57
87-1-272	amended	Ch. 261	SB 57
87-1-295	amended	Ch. 552	HB 637
87-1-296	repealed	Ch. 552	HB 637
87-1-297	repealed	Ch. 552	HB 637
87-1-301	amended	Ch. 94	HB 119
	amended	Ch. 232	HB 242
	amended	Ch. 552	HB 637
87-1-304	amended	Ch. 163	HB 225
	amended	Ch. 232	HB 242
87-1-325	amended	Ch. 486	SB 116
87-1-403	amended	Ch. 56	SB 56
87-1-504	amended	Ch. 552	HB 637
87-1-505	repealed	Ch. 552	HB 637
87-1-506	amended	Ch. 281	SB 275
87-1-601	amended	Ch. 153	SB 38
	amended	Ch. 563	HB 678
87-1-629	amended	Ch. 261	SB 57
87-1-901	amended	Ch. 162	HB 224
	amended	Ch. 261	SB 57
	amended	Ch. 336	SB 314
87-2-101	amended	Ch. 507	HB 318
87-2-102	amended	Ch. 170	SB 60
	amended	Ch. 503	SB 399
87-2-104	amended	Ch. 166	HB 353
87-2-105	amended	Ch. 170	SB 60
	amended	Ch. 503	SB 399
87-2-106	amended	Ch. 85	HB 48
87-2-115	amended	Ch. 552	HB 637
87-2-117	amended	Ch. 95	HB 120
87-2-127	enacted	Ch. 170	SB 60
87-2-202	amended	Ch. 85	HB 48
	amended	Ch. 563	HB 678
87-2-302	amended	Ch. 353	HB 260
87-2-304	amended	Ch. 353	HB 260
87-2-307	amended	Ch. 353	HB 260
87-2-311	amended	Ch. 16	SB 61
87-2-501	amended	Ch. 486	SB 116
87-2-513	amended	Ch. 94	HB 119
	amended	Ch. 486	SB 116
	amended	Ch. 552	HB 637
87-2-514	amended	Ch. 170	SB 60
87-2-516	enacted	Ch. 486	SB 116
87-2-519	amended	Ch. 552	HB 637
87-2-521	amended	Ch. 359	HB 468
87-2-522	amended	Ch. 30	HB 54
87-2-525	amended	Ch. 368	HB 647
87-2-526	amended	Ch. 24	HB 45
87-2-601	amended	Ch. 170	SB 60
87-2-606	enacted	Ch. 170	SB 60

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87-2-702	amended	Ch. 261	SB 57
	amended	Ch. 552	HB 637
87-2-810	amended	Ch. 552	HB 637
87-4-502	amended	Ch. 552	HB 637
87-4-522	amended	Ch. 552	HB 637
87-4-526	repealed	Ch. 552	HB 637
87-4-530	amended	Ch. 552	HB 637
87-4-801	amended	Ch. 211	HB 305
87-4-802	amended	Ch. 211	HB 305
87-4-803	amended	Ch. 211	HB 305
87-4-804	amended	Ch. 211	HB 305
87-4-806	amended	Ch. 211	HB 305
87-4-1101	enacted	Ch. 552	HB 637
87-5-131	amended	Ch. 552	HB 637
87-5-301	amended	Ch. 338	SB 337
87-5-709	amended	Ch. 211	HB 305
87-5-901	formerly 76-22-101	Ch. 326	SB 249
87-5-902	formerly 76-22-102	Ch. 326	SB 249
87-5-903	formerly 76-22-103	Ch. 326	SB 249
87-5-904	formerly 76-22-104	Ch. 326	SB 249
87-5-905	formerly 76-22-105	Ch. 326	SB 249
87-5-909	formerly 76-22-109	Ch. 326	SB 249
87-5-910	formerly 76-22-110	Ch. 326	SB 249
87-5-911	formerly 76-22-111	Ch. 326	SB 249
87-5-912	formerly 76-22-112	Ch. 326	SB 249
87-5-913	formerly 76-22-113	Ch. 326	SB 249
87-5-914	formerly 76-22-114	Ch. 326	SB 249
87-5-915	formerly 76-22-115	Ch. 326	SB 249
87-5-916	formerly 76-22-116	Ch. 326	SB 249
87-5-917	formerly 76-22-117	Ch. 326	SB 249
87-5-918	formerly 76-22-118	Ch. 326	SB 249
87-6-101	amended	Ch. 211	HB 305
	amended	Ch. 507	HB 318
87-6-105	repealed	Ch. 281	SB 275
87-6-106	amended	Ch. 485	SB 98
87-6-107	enacted	Ch. 552	HB 637
87-6-202	amended	Ch. 70	SB 62
87-6-205	amended	Ch. 496	SB 327
87-6-207	amended	Ch. 552	HB 637
87-6-214	amended	Ch. 286	SB 267
87-6-304	amended	Ch. 166	HB 353
87-6-401	amended	Ch. 232	HB 242
	amended	Ch. 552	HB 637
87-6-402	amended	Ch. 552	HB 637
87-6-404	amended (void - sec. 30, Ch. 552)	Ch. 359	HB 468
	amended	Ch. 552	HB 637
87-6-405	amended	Ch. 552	HB 637
87-6-412	amended	Ch. 552	HB 637
87-6-415	amended	Ch. 92	HB 108
87-6-601	amended	Ch. 96	HB 138
87-6-702	amended	Ch. 281	SB 275
87-6-706	amended	Ch. 552	HB 637
87-6-715	amended	Ch. 211	HB 305
90-1-105	amended	Ch. 261	SB 57

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90-1-120	amended	Ch. 167	HB 437
90-1-131	amended	Ch. 240	HB 34
90-1-132	amended	Ch. 261	SB 57
90-1-182	amended	Ch. 261	SB 57
90-1-201	amended	Ch. 240	HB 34
90-1-204	amended	Ch. 330	SB 258
90-1-205	amended	Ch. 558	HB 660
	amended	Ch. 563	HB 678
90-1-601	enacted	Ch. 449	SB 297
90-1-602	enacted	Ch. 449	SB 297
90-1-603	enacted	Ch. 449	SB 297
90-1-604	enacted	Ch. 449	SB 297
90-1-605	enacted	Ch. 449	SB 297
90-1-606	enacted	Ch. 449	SB 297
90-1-607	enacted	Ch. 449	SB 297
90-1-608	enacted	Ch. 449	SB 297
90-1-609	enacted	Ch. 449	SB 297
90-2-201	enacted	Ch. 553	HB 648
90-2-202	enacted	Ch. 553	HB 648
90-3-1301	amended	Ch. 261	SB 57
90-4-1001	amended	Ch. 291	HB 170
90-4-1005	amended	Ch. 291	HB 170
	amended (void - sec. 10, Ch. 542)	Ch. 360	HB 475
	amended	Ch. 542	HB 576
90-4-1202	amended (void - sec. 9, Ch. 542)	Ch. 375	SB 237
	amended	Ch. 542	HB 576
90-4-1301	enacted	Ch. 444	SB 147
90-4-1302	enacted	Ch. 444	SB 147
90-4-1303	enacted	Ch. 444	SB 147
90-4-1304	enacted	Ch. 444	SB 147
90-4-1305	enacted	Ch. 444	SB 147
90-4-1306	enacted	Ch. 444	SB 147
90-4-1307	enacted	Ch. 444	SB 147
90-4-1308	enacted	Ch. 444	SB 147
90-6-209	amended	Ch. 101	HB 200
90-6-701	amended	Ch. 330	SB 258
90-6-702	amended	Ch. 330	SB 258
90-6-703	amended	Ch. 261	SB 57
90-6-710	amended	Ch. 101	HB 200
	amended	Ch. 261	SB 57
	amended	Ch. 330	SB 258
	amended	Ch. 466	HB 11
90-6-715	amended	Ch. 330	SB 258
90-7-202	amended	Ch. 444	SB 147
90-7-211	amended	Ch. 444	SB 147
90-9-103	amended	Ch. 58	HB 94
90-9-502	amended	Ch. 14	SB 36
90-11-102	amended	Ch. 261	SB 57

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Laws of 2011			
Ch. 58, sec. 16.....	amended.....	Ch. 404.....	HB 66
Laws of 2013			
Ch. 410, sec. 7.....	repealed.....	Ch. 562.....	HB 671
Laws of 2015			
Ch. 285, sec. 27.....	amended.....	Ch. 139.....	HB 425
Ch. 291, sec. 6.....	amended.....	Ch. 548.....	HB 620
Ch. 292, sec. 1.....	amended.....	Ch. 139.....	HB 425
Ch. 349, sec. 8.....	repealed.....	Ch. 181.....	SB 58
Ch. 368, sec. 28.....	amended.....	Ch. 318.....	SB 167
Ch. 426, sec. 3, 7.....	repealed.....	Ch. 562.....	HB 671
Ch. 442, sec. 10.....	repealed.....	Ch. 562.....	HB 671
Ch. 457, sec. 33.....	amended.....	Ch. 480.....	HB 279
Ch. 457, secs. 24, 25, 26, 27.....	repealed.....	Ch. 480.....	HB 279
Laws of 2017			
Ch. 151, sec. 55.....	amended.....	Ch. 404.....	HB 66
Ch. 232, sec. 2, 3, 4, 9.....	repealed.....	Ch. 562.....	HB 671
Ch. 284, sec. 6.....	repealed.....	Ch. 181.....	SB 58
Ch. 322, sec. 8.....	repealed.....	Ch. 45.....	SB 97
Ch. 416, sec. 20.....	amended.....	Ch. 188.....	SB 305
Laws of 2019			
Ch. 1, sec. 1.....	amended.....	Ch. 491.....	SB 191
Ch. 77, sec. 1-7.....	repealed.....	Ch. 562.....	HB 671
Ch. 171, sec. 1.....	repealed.....	Ch. 562.....	HB 671
Ch. 373, sec. 8.....	amended.....	Ch. 243.....	HB 98
Ch. 373, sec. 8.....	amended.....	Ch. 268.....	SB 4
Ch. 402, sec. 7.....	amended.....	Ch. 247.....	HB 246
Ch. 415, sec. 38.....	amended.....	Ch. 318.....	SB 167
Ch. 419, sec. 6.....	repealed.....	Ch. 99.....	HB 234
Ch. 422, sec. 2.....	amended.....	Ch. 461.....	HB 5
Ch. 427, sec. 5.....	amended.....	Ch. 72.....	SB 125
Ch. 456, sec. 23.....	amended.....	Ch. 566.....	HB 693
Ch. 462, sec. 6.....	amended.....	Ch. 474.....	HB 178
Ch. 475, sec. 2.....	amended.....	Ch. 188.....	SB 305
Ch. 483, sec. 1.....	amended.....	Ch. 551.....	HB 630
I.M. No. 190			
Secs. 37 and 52, I.M. 190.....	repealed.....	Ch. 576.....	HB 701
Sec. 56, I.M. 190.....	amended.....	Ch. 576.....	HB 701

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SB 4.....	Ch. 268	SB 63.....	Ch. 313	SB 131.....	Ch. 189
SB 5.....	Ch. 7	SB 65.....	Ch. 2	SB 133.....	Ch. 104
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SB 34.....	Ch. 12	SB 98.....	Ch. 485	SB 170.....	Ch. 144
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Ch. 405	HB 112	Ch. 452	SB 336	Ch. 499	SB 384
Ch. 406	HB 233	Ch. 453	SB 354	Ch. 500	SB 385
Ch. 407	HB 247	Ch. 454	SB 374	Ch. 501	SB 395
Ch. 408	HB 257	Ch. 455	SB 398	Ch. 502	SB 400
Ch. 409	HB 273	Ch. 456	SB 402	Ch. 503	SB 399
Ch. 410	HB 336	Ch. 457	SB 403	Ch. 504	HB 230
Ch. 411	HB 426	Ch. 458	SB 184	Ch. 505	HB 249
Ch. 412	HB 449	Ch. 459	SB 376	Ch. 506	HB 303
Ch. 413	HB 602	Ch. 460	HB 4	Ch. 507	HB 318
Ch. 414	HB 610	Ch. 461	HB 5	Ch. 508	HB 330
Ch. 415	HB 641	Ch. 462	HB 6	Ch. 509	HB 340
Ch. 416	HB 644	Ch. 463	HB 8	Ch. 510	HB 357

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Ch. 512	HB 365	Ch. 535	HB 537	Ch. 558	HB 660
Ch. 513	HB 382	Ch. 536	HB 541	Ch. 559	HB 661
Ch. 514	HB 403	Ch. 537	HB 553	Ch. 560	HB 663
Ch. 515	HB 430	Ch. 538	HB 554	Ch. 561	HB 667
Ch. 516	HB 435	Ch. 539	HB 555	Ch. 562	HB 671
Ch. 517	HB 439	Ch. 540	HB 559	Ch. 563	HB 678
Ch. 518	HB 444	Ch. 541	HB 572	Ch. 564	HB 681
Ch. 519	HB 447	Ch. 542	HB 576	Ch. 565	HB 689
Ch. 520	HB 459	Ch. 543	HB 578	Ch. 566	HB 693
Ch. 521	HB 472	Ch. 544	HB 593	Ch. 567	HB 704
Ch. 522	HB 481	Ch. 545	HB 599	Ch. 568	HB 705
Ch. 523	HB 483	Ch. 546	HB 606	Ch. 569	HB 709
Ch. 524	HB 495	Ch. 547	HB 614	Ch. 570	HB 462
Ch. 525	HB 497	Ch. 548	HB 620	Ch. 571	SB 224
Ch. 526	HB 498	Ch. 549	HB 625	Ch. 572	SB 316
Ch. 527	HB 501	Ch. 550	HB 629	Ch. 573	HB 2
Ch. 528	HB 502	Ch. 551	HB 630	Ch. 574	HB 92
Ch. 529	HB 503	Ch. 552	HB 637	Ch. 575	SB 388
Ch. 530	HB 504	Ch. 553	HB 648	Ch. 576	HB 701
Ch. 531	HB 506	Ch. 554	HB 651	Ch. 577	HB 691
Ch. 532	HB 525	Ch. 555	HB 655		
Ch. 533	HB 527	Ch. 556	HB 656		

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Ch. 2	SB 65	02/10/2021
Ch. 3 §§ 1-5, 7-15	HB 102	02/18/2021
§ 6		06/01/2021
Ch. 4	HB 3	02/18/2021
Ch. 5 §§ 2 and 5	SB 19	02/18/2021
§§ 1, 3, and 4		07/01/2021
Ch. 6	SB 1	10/01/2021
Ch. 7	SB 5	02/23/2021
Ch. 8	SB 6	10/01/2021
Ch. 9	SB 23	10/01/2021
Ch. 10	SB 25	10/01/2021
Ch. 11	SB 30	10/01/2021
Ch. 12	SB 34	10/01/2021
Ch. 13	SB 35	10/01/2021
Ch. 14	SB 36	10/01/2021
Ch. 15	SB 45	10/01/2021
Ch. 16	SB 61	02/23/2021
Ch. 17	HB 23	02/23/2021

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Ch. 19	HB 60	07/01/2021
Ch. 20	HB 68	02/23/2021
Ch. 21	HB 74	02/23/2021
Ch. 22	HB 153	10/01/2021
Ch. 23	HB 15	07/01/2021
Ch. 24	HB 45	03/01/2021
Ch. 25	HB 79	02/23/2021
Ch. 26	SB 21	07/01/2021
Ch. 27	SB 24	07/01/2021
Ch. 28	HB 41	02/26/2021
Ch. 29	HB 62	02/26/2021
Ch. 30	HB 54	02/26/2021
Ch. 31	HB 51	10/01/2021
Ch. 32	SB 104	10/01/2021
Ch. 33	SB 68	02/26/2021
Ch. 34	SB 66	10/01/2021
Ch. 35	SB 41	10/01/2021
Ch. 36	SB 26	10/01/2021
Ch. 37	SB 3	10/01/2021
Ch. 38	SB 27	10/01/2021
Ch. 39	SB 14	03/01/2021
Ch. 40	SB 31	10/01/2021
Ch. 41	SB 67	10/01/2021
Ch. 42	SB 79	10/01/2021
Ch. 43	SB 90	07/01/2021
Ch. 44	SB 96	03/01/2021
Ch. 45	SB 97	03/01/2021
Ch. 46	SB 112	10/01/2021
Ch. 47	SB 17	03/02/2021
Ch. 48	SB 50	10/01/2021
Ch. 49	SB 54	10/01/2021
Ch. 50	SB 102	07/01/2021
Ch. 51	SB 110	07/01/2021
Ch. 52	SB 9	10/01/2021
Ch. 53	SB 74	07/01/2021
Ch. 54	HB 85	03/09/2021
Ch. 55	SB 28	03/08/2021
Ch. 56	SB 56	03/08/2021
Ch. 57	SB 70	03/08/2021
Ch. 58	HB 94	03/08/2021
Ch. 59	HB 142	03/08/2021
Ch. 60	HB 143	07/01/2021
Ch. 61	SB 15	01/01/2022
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Ch. 63	SB 118	07/01/2021
Ch. 64	HB 19	03/23/2021

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Ch. 65	HB 80	03/23/2021
Ch. 66	HB 105	03/23/2021
Ch. 67	HB 180	07/01/2021
Ch. 68	HB 215	03/23/2021
Ch. 69	SB 22	07/01/2021
Ch. 70	SB 62	03/23/2021
Ch. 71	SB 69	10/01/2021
Ch. 72	SB 125	03/23/2021
Ch. 73	SB 130	10/01/2021
Ch. 74	HB 103	03/25/2021
Ch. 75	HB 193	10/01/2021
Ch. 76	HB 64	03/24/2021
Ch. 77	HB 96	03/25/2021
Ch. 78	HB 210	10/01/2021
Ch. 79 §§ 2 and 4	HB 199	03/24/2021
§§ 1 and 3		07/01/2021
Ch. 80	SB 18	03/26/2021
Ch. 81	SB 80	10/01/2021
Ch. 82	SB 123	10/01/2021
Ch. 83	HB 28	07/01/2021
Ch. 84	HB 38	07/01/2021
Ch. 85	HB 48	03/01/2022
Ch. 86	HB 52	03/26/2021
Ch. 87	HB 70	03/26/2021
Ch. 88	HB 75	10/01/2021
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Ch. 90 All Sections.....	HB 93	03/26/2021
Ch. 91	HB 104	10/01/2021
Ch. 92	HB 108	03/26/2021
Ch. 93	HB 116	10/01/2021
Ch. 94	HB 119	03/26/2021
Ch. 95	HB 120	03/01/2022
Ch. 96	HB 138	03/26/2021
Ch. 97	HB 144	03/26/2021
Ch. 98	HB 197	07/01/2021
Ch. 99	HB 234	03/26/2021
Ch. 100	HB 256	10/01/2021
Ch. 101	HB 200	03/31/2021
Ch. 102	SB 82	03/31/2021
Ch. 103	SB 129	10/01/2021
Ch. 104	SB 133	10/01/2021
Ch. 105	HB 22	03/31/2021
Ch. 106	HB 32	03/31/2021
Ch. 107	HB 33	07/01/2021
Ch. 108	HB 53	03/31/2021
Ch. 109	HB 83	10/01/2021
Ch. 110	HB 100	07/01/2021

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Ch. 111	HB 130	10/01/2021
Ch. 112	HB 133	07/01/2021
Ch. 113	HB 177	10/01/2021
Ch. 114	HB 213	03/31/2021
Ch. 115	HB 214	10/01/2021
Ch. 116	HB 232	10/01/2021
Ch. 117	HB 254	03/31/2021
Ch. 118	HB 266	10/01/2021
Ch. 119	HB 270	10/01/2021
Ch. 120	HB 271	10/01/2021
Ch. 121	HB 290	10/01/2021
Ch. 122	HB 294	07/01/2021
Ch. 123	HB 313	10/01/2021
Ch. 124	HB 29	10/01/2021
Ch. 125	HB 40	04/01/2021
Ch. 126	HB 56	10/01/2021
Ch. 127	HB 65	07/01/2021
Ch. 128	HB 76	04/01/2021
Ch. 129	HB 117	10/01/2021
Ch. 130	HB 141	10/01/2021
Ch. 131	HB 164	10/01/2021
Ch. 132	HB 198	10/01/2021
Ch. 133	HB 220	07/01/2021
Ch. 134	HB 268	10/01/2021
Ch. 135	HB 282	10/01/2021
Ch. 136	HB 283	10/01/2021
Ch. 137	HB 373	07/01/2021
Ch. 138 §§ 3 and 4	HB 374	04/01/2021
§§ 1, 2, and 5		07/01/2021
Ch. 139	HB 425	04/01/2021
Ch. 140	SB 276	10/01/2021
Ch. 141	SB 262	07/01/2021
Ch. 142	SB 205	10/01/2021
Ch. 143	SB 200	10/01/2021
Ch. 144	SB 170	10/01/2021
Ch. 145	SB 154	04/08/2021
Ch. 146	SB 152	10/01/2021
Ch. 147	SB 128	04/08/2021
Ch. 148	SB 126	10/01/2021
Ch. 149	SB 115	10/01/2021
Ch. 150	SB 109	07/01/2021
Ch. 151	SB 75	04/08/2021
Ch. 152	SB 53	10/01/2021
Ch. 153	SB 38	04/08/2021
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Ch. 158	HB 71	04/08/2021
Ch. 159	HB 95	04/08/2021
Ch. 160	HB 139	07/01/2021
Ch. 161	HB 157	04/08/2021
Ch. 162	HB 224	10/01/2021
Ch. 163	HB 225	10/01/2021
Ch. 164	HB 304	10/01/2021
Ch. 165	HB 309	10/01/2021
Ch. 166	HB 353	04/08/2021
Ch. 167	HB 437	04/08/2021
Ch. 168	HB 566	10/01/2021
Ch. 169	HB 594	04/08/2021
Ch. 170	SB 60	03/01/2022
Ch. 171	HB 13	07/01/2021
Ch. 172	HB 81	07/01/2021
Ch. 173	HB 88	07/01/2021
Ch. 174	HB 195	10/01/2021
Ch. 175	HB 208	10/01/2021
Ch. 176	HB 275	07/01/2021
Ch. 177	HB 293	10/01/2021
Ch. 178	HB 295	04/11/2021
Ch. 179	HB 396	04/11/2021
Ch. 180	HB 548	10/01/2021
Ch. 181	SB 58	07/01/2021
Ch. 182	SB 113	10/01/2021
Ch. 183	SB 120	04/10/2021
Ch. 184	SB 127	04/10/2022
Ch. 185	SB 145	10/01/2021
Ch. 186	SB 193	10/01/2021
Ch. 187	SB 221	10/01/2021
Ch. 188 §§ 2-5.....	SB 305	04/10/2021
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Ch. 189	SB 131	07/01/2021
Ch. 190	SB 161	10/01/2021
Ch. 191	SB 339	04/11/2021
Ch. 192	HB 152	10/01/2021
Ch. 193	HB 173	04/14/2021
Ch. 194	HB 226	04/14/2021
Ch. 195	HB 243	04/14/2021
Ch. 196	HB 310	10/01/2021
Ch. 197	HB 446	04/14/2021
Ch. 198	HB 31	04/16/2021
Ch. 199	HB 47	10/01/2021
Ch. 200	HB 50	07/01/2021
Ch. 201	HB 55	04/16/2021
Ch. 202	HB 57	07/01/2021

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Ch. 203	HB 89	07/01/2021
Ch. 204	HB 121	04/16/2021
Ch. 205	HB 163	10/01/2021
Ch. 206	HB 217	04/16/2021
Ch. 207	HB 223	10/01/2021
Ch. 208	HB 280	04/16/2021
Ch. 209	HB 291	01/01/2022
Ch. 210	HB 292	10/01/2021
Ch. 211	HB 305	10/01/2021
Ch. 212	HB 306	10/01/2021
Ch. 213	HB 307	10/01/2021
Ch. 214	HB 328	10/01/2021
Ch. 215	HB 346	10/01/2021
Ch. 216	HB 364	10/01/2021
Ch. 217	HB 383	10/01/2021
Ch. 218	HB 386	10/01/2021
Ch. 219	HB 393	10/01/2021
Ch. 220	HB 407	10/01/2021
Ch. 221	HB 494	10/01/2021
Ch. 222	HB 499	10/01/2021
Ch. 223	HB 556	04/16/2021
Ch. 224	HB 558	10/01/2021
Ch. 225	HB 609	10/01/2021
Ch. 226	HB 49	07/01/2021
Ch. 227	HB 91	10/01/2021
Ch. 228	HB 159	04/15/2021
Ch. 229	HB 201	07/01/2021
Ch. 230	HB 211	10/01/2021
Ch. 231	HB 218	04/15/2021
Ch. 232	HB 242	10/01/2021
Ch. 233	HB 289	10/01/2021
Ch. 234	HB 349	04/15/2021
Ch. 235	HB 401	10/01/2021
Ch. 236	HB 402	04/15/2021
Ch. 237	HB 438	04/15/2021
Ch. 238	HB 454	07/01/2021
Ch. 239	HB 543	07/01/2021
Ch. 240	HB 34	04/19/2021
Ch. 241	HB 35	07/01/2021
Ch. 242	HB 43	01/01/2022
Ch. 243	HB 98	04/19/2021
Ch. 244	HB 176	04/19/2021
Ch. 245	HB 192	07/01/2021
Ch. 246	HB 207	04/19/2021
Ch. 247	HB 246	04/19/2021
Ch. 248	HB 252	04/19/2021
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Ch. 250	HB 379	10/01/2021
Ch. 251	HB 432	10/01/2021
Ch. 252	HB 482	10/01/2021
Ch. 253	HB 611	04/19/2021
Ch. 254	SB 169	04/19/2021
Ch. 255	HB 480	07/01/2021
Ch. 256	HB 589	10/01/2021
Ch. 257	SB 33	07/01/2021
Ch. 258	SB 43	04/20/2021
Ch. 259 §§ 2 and 3	SB 49	04/20/2021
§ 1		10/01/2021
Ch. 260	SB 55	10/01/2021
Ch. 261	SB 57	04/20/2021
Ch. 262	SB 101	10/01/2021
Ch. 263	SB 135	10/01/2021
Ch. 264	SB 156	10/01/2021
Ch. 265	HB 298	10/01/2021
Ch. 266	HB 394	10/01/2021
Ch. 267	HB 463	10/01/2021
Ch. 268	SB 4	04/22/2021
Ch. 269	SB 72	07/01/2021
Ch. 270	SB 168	10/01/2021
Ch. 271	SB 171	10/01/2021
Ch. 272	SB 175	07/01/2021
Ch. 273	SB 178	04/22/2021
Ch. 274	SB 196	10/01/2021
Ch. 275	SB 211	04/22/2021
Ch. 276	SB 215	04/22/2021
Ch. 277	SB 217	01/01/2022
Ch. 278	SB 222	10/01/2021
Ch. 279	SB 226	04/22/2021
Ch. 280	SB 240	10/01/2021
Ch. 281	SB 275	04/22/2021
Ch. 282	HB 258	04/23/2021
Ch. 283	HB 451	10/01/2021
Ch. 284	SB 20	10/01/2021
Ch. 285	SB 230	04/23/2021
Ch. 286	SB 267	10/01/2021
Ch. 287	SB 277	10/01/2021
Ch. 288	SB 227	04/12/2021
Ch. 289	HB 669	04/28/2021
Ch. 290	HB 167	01/01/2023
Ch. 291	HB 170	04/29/2021
Ch. 292	HB 300	07/01/2021
Ch. 293	HB 331	10/01/2021
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Ch. 297	SB 157	07/01/2021
Ch. 298	SB 163	10/01/2021
Ch. 299	SB 166	10/01/2021
Ch. 300	SB 201	04/28/2021
Ch. 301	SB 223	10/01/2021
Ch. 302	SB 238	10/01/2021
Ch. 303	SB 283	10/01/2021
Ch. 304	SB 286	10/01/2021
Ch. 305	SB 307	10/01/2021
Ch. 306	SB 338	04/28/2021
Ch. 307	HB 136	10/01/2021
Ch. 308	HB 140	10/01/2021
Ch. 309	HB 171	10/01/2021
Ch. 310	HB 477	10/01/2021
Ch. 311	HB 491	04/26/2021
Ch. 312	HB 517	04/26/2021
Ch. 313	SB 63	10/01/2021
Ch. 314	SB 91	04/30/2021
Ch. 315	SB 93	10/01/2021
Ch. 316	SB 99	07/01/2021
Ch. 317	SB 136	04/30/2021
Ch. 318	SB 167	04/30/2021
Ch. 319	SB 174	04/30/2021
Ch. 320	SB 199	04/30/2021
Ch. 321	SB 206	10/01/2021
Ch. 322	SB 213	04/30/2021
Ch. 323	SB 216	10/01/2021
Ch. 324	SB 233	07/01/2021
Ch. 325	SB 239	10/01/2021
Ch. 326	SB 249	07/01/2021
Ch. 327	SB 251	04/30/2021
Ch. 328	SB 253	04/30/2021
Ch. 329	SB 257	04/30/2021
Ch. 330	SB 258	10/01/2021
Ch. 331	SB 261	10/01/2021
Ch. 332	SB 280	04/30/2021
Ch. 333	SB 287	10/01/2021
Ch. 334	SB 302	04/30/2021
Ch. 335	SB 309	04/30/2021
Ch. 336	SB 314	10/01/2021
Ch. 337	SB 328	04/30/2021
Ch. 338	SB 337	03/01/2022
Ch. 339	SB 344	10/01/2021
Ch. 340	SB 345	10/01/2021
Ch. 341	SB 348	10/01/2021
Ch. 342	SB 358	04/30/2021

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Ch. 343	SB 360	04/30/2021
Ch. 344	SB 364	10/01/2021
Ch. 345	SB 367	10/01/2021
Ch. 346	SB 370	04/30/2021
Ch. 347	HB 574	07/01/2021
Ch. 348 §§ 2-5, and 8-11	HB 67	07/01/2021
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Ch. 349	HB 129	04/30/2021
Ch. 350	HB 146	07/01/2021
Ch. 351	HB 179	07/01/2021
Ch. 352	HB 229	10/01/2021
Ch. 353	HB 260	03/01/2022
Ch. 354	HB 302	04/30/2021
Ch. 355	HB 341	07/01/2021
Ch. 356	HB 416	07/01/2021
Ch. 357	HB 429	04/30/2021
Ch. 358	HB 450	10/01/2021
Ch. 359	HB 468	10/01/2021
Ch. 360	HB 475	04/30/2021
Ch. 361	HB 479	04/30/2021
Ch. 362	HB 496	10/01/2021
Ch. 363	HB 520	10/01/2021
Ch. 364	HB 539	10/01/2021
Ch. 365	HB 549	04/30/2021
Ch. 366	HB 590	04/30/2021
Ch. 367	HB 616	10/01/2021
Ch. 368	HB 647	03/01/2022
Ch. 369	HB 665	04/30/2021
Ch. 370	SB 203.....	A constitutional amendment by legislative referendum is effective on the first day of July after approval of the electorate, unless the amendment in the referendum provides otherwise.
Ch. 371	HB 206	07/01/2021
Ch. 372	HB 423	10/01/2021
Ch. 373	HB 478	10/01/2021
Ch. 374	SB 219	10/01/2021
Ch. 375	SB 237	05/03/2021
Ch. 376	SB 265	05/03/2021
Ch. 377	SB 266	05/03/2021
Ch. 378	HB 131	10/01/2021
Ch. 379	SB 190	05/03/2021
Ch. 380	SB 294	05/03/2021
Ch. 381	SB 372	10/01/2021

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Ch. 382	HB 73	04/29/2021
Ch. 383	HB 90	07/01/2023
Ch. 384	HB 155	07/01/2021
Ch. 385	HB 264	10/01/2021
Ch. 386	HB 333	10/01/2021
Ch. 387	HB 362	04/29/2021
Ch. 388	HB 398	07/01/2021
Ch. 389	HB 445	04/29/2021
Ch. 390	HB 598	10/01/2021
Ch. 391	SB 83	10/01/2021
Ch. 392	SB 106	01/01/2023
Ch. 393	SB 121	04/29/2021
Ch. 394	SB 185	10/01/2021
Ch. 395	SB 247	04/29/2021
Ch. 396	SB 248	06/01/2023
Ch. 397	SB 270	04/29/2021
Ch. 398	SB 301	04/29/2021
Ch. 399	SB 350	10/01/2021
Ch. 400	SB 351	04/29/2021
Ch. 401	HB 632	04/30/2021
Ch. 402	HB 325	Effective upon approval by the electorate.
Ch. 403	HB 7	07/01/2021
Ch. 404	HB 66	05/07/2021
Ch. 405	HB 112	07/01/2021
Ch. 406	HB 233	07/01/2021
Ch. 407	HB 247	10/01/2021
Ch. 408	HB 257	05/07/2021
Ch. 409	HB 273	05/07/2021
Ch. 410	HB 336	10/01/2021
Ch. 411	HB 426	10/01/2021
Ch. 412	HB 449	07/01/2021
Ch. 413	HB 602	10/01/2021
Ch. 414	HB 610	05/07/2021
Ch. 415	HB 641	05/07/2021
Ch. 416	HB 644	05/07/2021
Ch. 417	HB 696	07/01/2021
Ch. 418 §§ 1, 2, and 4-6	HB 702	05/07/2021
§ 3.....		07/01/2021
Ch. 419	SB 44	10/01/2021
Ch. 420	SB 76	10/01/2021
Ch. 421	SB 142	10/01/2021
Ch. 422	SB 149	10/01/2021
Ch. 423	SB 214	05/07/2021
Ch. 424	SB 232	10/01/2021
Ch. 425	SB 234	05/07/2021
Ch. 426	SB 243	07/01/2021

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Ch. 427	SB 263	05/07/2021
Ch. 428	SB 284	05/07/2021
Ch. 429	SB 285	07/01/2021
Ch. 430	SB 288	10/01/2021
Ch. 431	SB 308	10/01/2021
Ch. 432	SB 363	10/01/2021
Ch. 433	HB 380	10/01/2021
Ch. 434	HB 464	07/01/2021
Ch. 435	SB 81	01/01/2022
Ch. 436	SB 220	10/01/2021
Ch. 437	SB 269	10/01/2021
Ch. 438	SB 378	05/10/2021
Ch. 439	SB 392	05/10/2021
Ch. 440	SB 396	10/01/2021
Ch. 441	SB 87	05/10/2021
Ch. 442	SB 114	05/10/2021
Ch. 443	SB 134	05/10/2021
Ch. 444	SB 147	01/01/2022
Ch. 445	SB 172	05/10/2021
Ch. 446	SB 212	10/01/2021
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?	Ch. 370	SB 203
	(A constitutional amendment by legislative referendum is effective on the first day of July after approval of the electorate, unless the amendment in the referendum provides otherwise.)	
?	Ch. 402	HB 325
	(Effective upon approval by the electorate.)	
?	Ch. 456	SB 402
	(§ 2, Effective on the date that the clerk of the Montana supreme court certifies to the code commissioner that Senate Bill No. 140 is found unconstitutional or otherwise invalid.)	

SESSION LAW TO CODE

<u>Ch.</u>	<u>Sec.</u>	<u>MCA</u>	<u>Ch.</u>	<u>Sec.</u>	<u>MCA</u>	<u>Ch.</u>	<u>Sec.</u>	<u>MCA</u>
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2	1	27-1-1601			commissioner			commissioner
	2	27-1-1602	5	5	Effective Dates	15	1	15-30-2303
	3	27-1-1603	6	1	5-7-101		2	15-32-405
	4	27-1-1604		2	5-7-102		3	Repealer
	5	27-1-1605		3	5-7-112	16	1	87-2-311
	6	27-1-1606		4	5-7-120		2	Effective date
	7	27-1-1607		5	5-7-208	17	1	15-18-112
	8	27-1-1608		6	5-7-209		2	15-18-212
	9	27-1-719		7	5-7-210		3	15-18-215
	10	70-24-303		8	5-7-305		4	15-18-216
	11	Codification	7	1	60-1-236		5	15-18-217
		instruction		2	Codification		6	15-18-219
	12	Saving clause			instruction		7	15-18-220
	13	Severability		3	Effective date		8	15-18-225
	14	Effective date	8	1	15-68-820		9	15-18-221
	15	Termination		2	22-3-1303		10	70-9-803
3	1	45-8-353	9	1	20-9-543		11	Codification
	2	45-8-354		2	Repealer			instruction
	3	45-8-355	10	1	5-5-224		12	Saving clause
	4	45-8-356	11	1	15-32-101		13	Effective date
	5	45-8-357		2	69-3-1209		14	Applicability
	6	45-8-358		3	Repealer	18	1	20-1-101
	7	45-8-359	12	1	15-32-703		2	20-9-311
	8	45-3-111	13	1	15-24-3004		3	Effective date
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	11	45-8-351		4	15-24-3007		3	41-3-205
	12	Repealer		5	75-20-104		4	41-3-209
	13	Severability		6	75-20-201		5	41-3-301
	14	Codification		7	75-20-207		6	41-3-302
		instruction		8	75-20-208		7	41-3-422
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	2	Appropriations		11	75-20-303	20	1	20-5-101
		— authoriza-		12	75-20-304		2	Effective date
		tions to spend		13	75-20-1202	21	1	33-11-105
		money		14	Repealer		2	Repealer
	3	Appropriations	14	1	5-5-227		3	Effective date
		— authoriza-		2	10-4-107	22	1	37-51-325
		tion to spend		3	10-4-108	23	1	20-9-306
		federal money		4	13-2-221		2	Effective date
	4	Effective date		5	15-24-202		3	Applicability
5	1	2-15-2306		6	20-3-336	24	1	87-2-526
	2	Transition —		7	39-71-118		2	Effective date
		implementa-		8	40-1-203	25	1	16-1-106
		tion procedure		9	44-4-1501		2	Effective date
		— legislative		10	50-15-101	26	1	5-7-103
		intent		11	69-3-308		2	Repealer
	3	Repealer		12	80-8-209		3	Effective date
				13	90-9-502	27	1	20-9-310

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	2	Effective date		9	35-14-1505		3	Contingent
	3	Applicability	35	1	5-5-227			voidness
28	1	30-10-201		2	15-30-2303		4	Effective date
	2	Effective date	36	1	2-15-3112		5	Termination
29	1	75-5-1121		2	2-15-3113	52	1	61-8-392
	2	75-5-1122		3	Notification		2	Codification
	3	75-6-227			to tribal			instruction
	4	Two-thirds			governments	53	1	20-10-131
		vote required	37	1	61-10-154		2	Effective date
	5	Effective date	38	1	2-15-3112	54	1	69-3-331
30	1	87-2-522		2	Notification		2	Effective date
	2	Effective date			to tribal	55	1	33-28-108
31	1	53-25-122			governments		2	Effective date
32	1	40-16-101	39	1	10-4-306	56	1	87-1-403
	2	40-16-102		2	Notification		2	Repealer
	3	40-16-103			to tribal		3	Saving clause
	4	40-16-104			governments		4	Effective date
	5	40-16-105		3	Effective date	57	1	37-11-301
	6	40-16-106	40	1	72-5-305		2	37-11-303
	7	40-16-107		2	72-5-316		3	37-11-304
	8	40-16-108		3	72-5-319		4	37-11-311
	9	40-16-109		4	72-5-321		5	Effective date
	10	40-16-110		5	Applicability	58	1	90-9-103
	11	40-16-111	41	1	50-2-120		2	Effective date
	12	40-16-112	42	1	61-3-211	59	1	80-18-101
	13	40-16-113	43	1	37-17-319		2	80-18-102
	14	40-16-114		2	37-17-320		3	80-18-103
	15	40-16-115		3	Repealer		4	80-18-106
	16	40-16-116		4	Codification		5	80-18-107
	17	40-16-117			instruction		6	80-18-111
	18	40-16-118		5	Effective date		7	Notification
	19	40-16-119	44	1	60-1-237			to tribal
	20	40-16-120		2	Codification			governments
	21	40-16-121			instruction		8	Effective date
	22	40-16-122		3	Effective date	60	1	20-9-324
	23	40-16-123	45	1	Repealer		2	20-9-306
	24	40-16-124		2	Effective date		3	Codification
	25	40-16-125	46	1	30-14-133			instruction
	26	40-16-126		2	70-19-427		4	Effective date
	27	40-16-127	47	1	41-1-305	61	1	13-1-101
	28	40-16-128		2	Effective date		2	13-1-116
	29	Codification		3	Applicability		3	13-1-203
		instruction	48	1	2-15-2306		4	13-1-302
33	1	70-32-103	49	1	76-4-104		5	13-3-105
	2	Effective date	50	1	37-22-301		6	13-3-201
	3	Applicability		2	37-22-305		7	13-3-202
34	1	35-14-141		3	37-22-307		8	13-3-206
	2	35-14-701		4	37-22-308		9	13-3-208
	3	35-14-702		5	37-23-202		10	13-3-212
	4	35-14-705		6	37-35-102		11	13-3-213
	5	35-14-709		7	Effective date		12	13-13-118
	6	35-14-720	51	1	2-18-703		13	13-13-119
	7	35-14-850		2	7-4-2502		14	13-13-229
	8	35-14-1021					15	13-13-246

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	16	13-19-205	75	1	23-5-503		2	60-4-203
	17	13-35-202	76	1	30-10-1101	89	1	61-3-710
	18	13-35-208		2	30-10-1102		2	61-8-312
	19	Effective date		3	30-10-1103		3	61-10-104
62	1	3-1-901		4	30-10-1104		4	61-10-121
	2	3-1-902		5	30-10-1105		5	61-10-124
	3	3-1-903		6	30-10-1106		6	61-10-141
	4	3-1-904		7	30-10-1107		7	61-10-144
	5	3-1-905		8	30-10-1108		8	61-10-146
	6	3-1-906		9	30-10-1109		9	69-12-102
	7	3-1-907		10	30-10-1110		10	69-12-408
	8	2-15-1707		11	30-10-1111		11	Repealer
	9	3-7-221		12	Codification	90	1	80-7-913
	10	39-71-2901			instruction		2	80-7-902
	11	Repealer		13	Severability		3	Codification
	12	Codification		14	Effective date			instruction
				15	Applicability		4	Effective date
	13	Effective date	77	1	61-3-303	91	1	7-8-2231
63	1	39-71-108		2	Effective date		2	7-32-2201
	2	Codification	78	1	37-15-102	92	1	87-6-415
		instruction		2	37-15-301		2	Effective date
	3	Effective date		3	37-15-302		3	Applicability
64	1	16-4-115		4	37-15-303	93	1	75-10-1301
	2	Effective date		5	37-15-307		2	75-10-1302
65	1	33-2-1216		6	37-15-311		3	75-10-1303
	2	33-2-1217		7	37-15-314		4	75-10-1305
	3	Effective date		8	Repealer	94	1	87-1-301
66	1	45-5-623	79	1	39-71-606		2	87-2-513
	2	Effective date		2	39-71-717		3	Effective date
	3	Applicability		3	Repealer	95	1	87-2-117
67	1	37-69-304		4	Effective Dates		2	Effective date
	2	37-69-305	80	1	20-7-1330	96	1	87-6-601
	3	37-69-323		2	Codification		2	Effective date
	4	Effective date			instruction	97	1	50-2-120
68	1	50-37-105		3	Effective date		2	Effective date
	2	Effective date	81	1	7-11-105	98	1	23-5-604
69	1	20-7-305	82	1	7-4-2211		2	23-5-602
	2	Effective date	83	1	44-4-403		3	23-5-621
	3	Applicability		2	44-7-101		4	23-5-637
70	1	87-6-202		3	Effective date		5	Transition
	2	Effective date	84	1	53-6-403		6	Codification
	3	Applicability		2	Codification			instruction
71	1	25-7-105			instruction		7	Effective date
	2	Applicability		3	Effective date	99	1	37-33-406
72	1	"Sec. 5, Ch.	85	1	87-2-106		2	Repealer
		427, L. 2019"		2	87-2-202		3	Effective date
	2	Effective date		3	Effective date	100	1	61-9-420
73	1	13-37-132	86	1	15-6-202	101	1	2-1-601
	2	Codification		2	15-7-202		2	2-1-602
		instruction		3	Effective date		3	2-1-603
74	1	35-18-102	87	1	53-21-1101		4	2-1-604
	2	35-18-207		2	53-21-1102		5	2-1-605
	3	35-18-303		3	Effective date		6	7-5-138
	4	Effective date	88	1	60-4-202		7	90-6-209

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	8	90-6-710	109	1	49-4-305		5	33-24-305
	9	Codification instruction		2	61-1-101		6	33-24-306
	10	Severability		3	61-3-206		7	33-24-307
	11	Effective date	110	1	5-13-402		8	Codification instruction
102	1	2-4-112		2	20-15-229	122	1	80-5-130
	2	2-4-305		3	Effective date		2	Effective date
	3	2-4-306	111	1	60-2-145	123	1	44-3-201
	4	2-4-308		2	18-2-501		2	44-3-203
	5	2-4-314		3	18-8-204		3	44-3-204
	6	2-4-402		4	18-8-205		4	44-3-211
	7	2-4-403		5	60-2-112		5	46-4-122
	8	2-4-405		6	60-2-134		6	46-4-123
	9	2-4-406		7	60-2-137		1	10-1-104
	10	2-4-410		8	Codification instruction	124	1	Applicability
	11	2-4-411		9	Termination	125	1	80-7-1030
	12	Codification instruction	112	1	60-5-530		2	Effective date
	13	Effective date		2	17-7-502	126	1	61-9-520
103	1	16-4-406		3	Codification instruction		2	61-10-154
104	1	15-1-222		4	Effective date	127	1	30-10-103
	2	15-2-201		1	37-22-301		2	Effective date
	3	15-2-303	113	2	37-23-202	128	1	2-18-1302
	4	15-2-306		3	37-35-202		2	2-18-1303
	5	15-7-102		4	37-37-201		3	2-18-1304
	6	15-7-139		5	Coordination instruction		4	2-18-1309
	7	15-8-111		6	Coordination instruction		5	2-18-1311
	8	Applicability					6	2-18-1313
105	1	10-1-108		6	Coordination instruction		7	Effective date
	2	Effective date	114	1	18-2-416	129	1	33-16-201
106	1	Repealer		2	Effective date		2	33-18-210
	2	Effective date	115	1	23-4-302		3	Saving clause
107	1	20-9-314	116	1	23-7-313	130	1	61-3-226
	2	Effective date		2	Codification instruction		2	61-3-202
	3	Applicability					3	72-6-111
108	1	15-30-3401	117	1	39-2-910		4	Codification instruction
	2	15-30-3402		2	39-2-903	131	1	40-4-126
	3	15-30-3403		3	39-2-904		2	19-2-801
	4	15-30-3404		4	39-2-905		3	40-4-105
	5	15-30-3405		5	39-2-911		4	40-4-121
	6	15-30-3406		6	39-2-912		5	Codification instruction
	7	15-30-3407		7	Repealer			
	8	15-30-3408		8	Codification instruction	132	1	39-71-725
	9	15-30-2605				133	1	17-3-202
	10	15-30-2606		9	Severability		2	7-11-1024
	11	15-30-2609		10	Effective date		3	Codification instruction
	12	15-30-2619	118	1	61-3-301			
	13	15-31-506	119	1	61-5-104		4	Effective date
	14	15-31-509	120	1	7-14-2101	134	1	7-12-2302
	15	15-31-544		2	Applicability		2	7-13-141
	16	Codification instruction	121	1	33-24-301		3	Codification instruction
	17	Effective date		2	33-24-302			
	18	Applicability		3	33-24-303	135	1	41-2-103
				4	33-24-304		2	41-2-107

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	3	41-2-109		32	15-8-202		3	Effective date
	4	41-2-110		33	15-15-101	148	1	15-2-301
136	1	39-71-118		34	15-15-103		2	Applicability
137	1	15-38-301		35	15-15-104	149	1	87-1-209
	2	Effective date		36	15-15-201	150	1	20-7-902
	3	Termination		37	15-16-603		2	Effective date
138	1	22-1-202		38	15-23-102	151	1	20-1-301
	2	76-15-106		39	15-30-2607		2	20-1-303
	3	Transfer of funds		40	15-30-2608		3	20-9-802
	4	Effective Dates		41	15-30-3113		4	20-9-805
	5	Termination		42	15-68-405		5	20-9-806
139	1	"Sec. 14, Ch. 374, L. 2009"		43	15-68-805		6	Effective date
	2	"Sec. 27, Ch. 285, L. 2015"		44	15-70-111		7	Retroactive Applicability
	3	"Sec. 1, Ch. 292, L. 2015"		45	16-11-149			
	4	Effective date		46	53-19-319	152	1	82-4-301
140	1	2-6-1101		47	61-11-510		2	82-4-303
141	1	15-44-103		48	Name change — direction to code commissioner		3	82-4-335
	2	Effective date			Saving clause		4	82-4-343
	3	Termination	143	1	72-6-412		5	82-4-337
142	1	2-6-1007		2	72-6-415		6	82-4-338
	2	2-15-1015		3	72-6-416		7	82-4-339
	3	5-5-227	144	1	13-2-220		8	82-4-342
	4	5-5-228	145	1	15-23-708		9	Codification instruction
	5	10-4-212		2	15-23-709	153	1	23-2-113
	6	15-1-101		3	7-6-1101		2	23-2-631
	7	15-1-212		4	7-6-1102		3	23-2-634
	8	15-1-213		5	7-6-1103		4	23-2-636
	9	15-1-222		6	7-6-1105		5	23-2-641
	10	15-1-303		7	7-6-1111		6	23-2-642
	11	15-1-402		8	7-6-1112		7	61-3-321
	12	15-2-101		9	7-6-1115		8	87-1-601
	13	15-2-102		10	15-16-102		9	Repealer
	14	15-2-103		11	15-16-119	154	10	Effective date
	15	15-2-104		12	15-16-301		1	85-2-231
	16	15-2-106		13	15-16-303		2	85-2-271
	17	15-2-201		14	15-16-401		3	Effective date
	18	15-2-301		15	15-16-402	155	1	53-4-1110
	19	15-2-302		16	15-16-404		2	53-6-113
	20	15-2-303		17	15-16-801		3	53-6-131
	21	15-2-304		18	15-17-122		4	Effective date
	22	15-2-305		19	15-17-911	156	1	Emergency protective service hearings — findings — report to interim committee — working group
	23	15-2-306		20	15-23-704			
	24	15-6-135		21	Codification instruction			
	25	15-6-158		22	Effective date			
	26	15-6-231		23	Retroactive applicability —			
	27	15-7-102			Applicability			
	28	15-7-139					2	Appropriation
	29	15-8-112	146	1	50-53-103		3	Effective date
	30	15-8-113	147	1	5-13-302	157	1	17-5-205
	31	15-8-115		2	5-13-303		2	Effective date

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158	1	13-37-226		8	19-3-2141		15	72-39-211
	2	Effective date		9	19-5-410		16	72-39-212
159	1	Repealer		10	19-6-801		17	72-39-213
	2	Effective date		11	19-7-803		18	72-39-214
160	1	37-19-204		12	19-8-901		19	72-39-215
	2	7-4-2631		13	19-9-403		20	72-39-216
	3	50-15-111		14	19-13-403		21	72-39-217
	4	Codification instruction		15	Effective date		22	72-39-218
	5	Effective date	173	1	19-20-101		23	72-39-219
				2	19-20-208		24	72-39-220
161	1	16-3-311		3	19-20-303		25	72-39-221
	2	16-4-401		4	19-20-703		26	72-39-222
	3	Effective date		5	19-20-905		27	72-39-223
162	1	87-1-901		6	Effective date		28	72-39-301
163	1	87-1-304	174	1	33-16-201		29	72-39-302
164	1	70-23-102		2	33-18-210		30	72-39-303
165	1	61-12-401		3	Saving clause		31	Severability
	2	61-12-402	175	1	42-2-408		32	Codification instruction
	3	61-12-404		2	42-2-409			
	4	61-12-405		3	42-2-412	178	1	37-22-102
	5	Notification to tribal governments		4	42-2-414		2	37-22-307
				5	42-2-604		3	37-22-308
				6	42-4-102		4	37-23-102
166	1	87-2-104		7	42-4-103		5	Effective date
	2	87-6-304		8	42-4-405	179	1	80-9-101
	3	Effective date		9	42-7-101		2	80-9-201
167	1	90-1-120		10	42-7-102		3	80-9-202
	2	Repealer		11	52-8-104		4	Effective dates — contingency
	3	Effective date		12	Codification instruction	180	1	23-5-112
168	1	28-11-211					2	23-5-160
169	1	76-13-119	176	1	53-6-404			
	2	Codification instruction		2	Direction to the department of public health and human services	181	1	15-1-122
	3	Effective date					2	Repealer
170	1	87-2-127					3	Effective date
	2	87-2-606				182	1	5-4-102
	3	87-2-102				183	1	5-13-302
	4	87-2-105		3	Codification instruction		2	5-13-303
	5	87-2-514				184	1	Effective date
	6	87-2-601		4	Effective date		2	Effective date
	7	Codification instruction	177	1	72-39-101	185	1	35-2-525
				2	72-39-102		2	35-2-526
	8	Effective date		3	72-39-103		3	70-23-309
171	1	2-18-303		4	72-39-201		4	35-2-550
	2	2-18-304		5	72-39-104		5	Codification instruction
	3	Appropriations		6	72-39-202			
	4	Effective date		7	72-39-203	186	1	7-8-2301
172	1	19-2-907		8	72-39-204		2	7-8-2513
	2	19-2-908		9	72-39-205	187	1	7-12-2124
	3	19-2-1007		10	72-39-206		2	7-12-2125
	4	19-3-503		11	72-39-207		3	Codification instruction
	5	19-3-1605		12	72-39-208			
	6	19-3-2114		13	72-39-209	188	1	20-9-640
	7	19-3-2124		14	72-39-210			

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	2	"Sec. 20, Ch. 416, L. 2017"		3	39-71-1101		4	33-35-306
	3	"Sec. 2, Ch. 475, L. 2019"	198	1	2-15-1201		5	Codification instruction
	4	Effective Dates		2	2-15-1203		6	Effective date
	5	Termination		3	Effective date		7	Applicability
189	1	81-23-101	199	1	2-4-303	210	1	76-3-612
	2	81-23-303	200	1	10-4-201	211	1	87-4-801
	3	Effective date		2	10-4-304		2	87-4-802
190	1	76-3-623		3	10-4-310		3	87-4-803
	2	76-3-625		4	17-7-502		4	87-4-804
	3	Codification instruction		5	Notification to tribal governments		5	87-4-806
							6	87-5-709
191	1	13-37-226		6	Codification instruction		7	87-6-101
	2	Effective date					8	87-6-715
192	1	80-7-1003		7	Effective date	212	1	69-12-102
	2	80-7-1010		8	Termination	213	1	40-6-214
	3	80-7-1015	201	1	61-9-228		2	53-3-116
	4	80-7-1019		2	Legislative intent		3	Repealer
	5	Applicability				214	1	52-2-901
193	1	76-13-417		3	Effective date		2	Codification instruction
	2	17-7-502	202	1	41-3-441	215	1	15-6-156
	3	76-13-410		2	41-3-102		2	Effective date
	4	Codification instruction		3	Codification instruction		3	Applicability
	5	Effective date		4	Effective date	216	1	41-3-201
194	1	16-3-312	203	1	20-7-1602	217	1	61-5-102
	2	16-1-106		2	Effective date	218	1	7-32-232
	3	16-2-106		3	Applicability	219	1	40-4-219
	4	16-3-213	204	1	50-1-101	220	1	7-1-121
	5	16-3-214		2	50-2-116		2	7-1-111
	6	16-3-219		3	50-2-118		3	7-5-131
	7	16-3-303		4	50-2-124		4	Codification instruction
	8	16-3-411		5	50-2-130	221	1	60-4-501
	9	16-3-418		6	Effective date		2	Codification instruction
	10	16-4-105	205	1	2-15-3402			
	11	16-4-110	206	1	37-49-101	222	1	41-3-423
	12	16-4-115		2	37-49-102	223	1	20-3-110
	13	16-4-201		3	37-49-104		2	Codification instruction
	14	16-4-208		4	37-49-201			instruction
	15	16-4-209		5	37-49-202		3	Effective date
	16	16-4-213		6	37-49-103	224	1	30-14-227
	17	16-4-312		7	37-1-401		2	Codification instruction
	18	16-4-420		8	Codification instruction			instruction
	19	Codification instruction					3	Applicability
				9	Effective date	225	1	7-4-2924
	20	Effective date	207	1	27-16-801		2	17-7-502
195	1	3-6-303		2	Codification instruction		3	Codification instruction
	2	7-32-201						
	3	7-32-216	208	1	Repealer	226	1	7-4-2637
	4	Effective date		2	Effective date		2	Effective date
196	1	46-15-406	209	1	33-22-128	227	1	46-23-506
197	1	39-71-116		2	2-18-704		2	46-23-507
	2	39-71-119		3	33-31-111	228	1	10-3-210

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	2	10-3-203		4	20-25-421		3	Effective date
	3	Codification instruction		5	22-2-602	247	1	20-1-101
				6	22-3-804		2	20-3-324
	4	Effective date		7	44-2-411		3	20-4-101
229	1	18-2-411		8	50-71-115		4	20-4-104
	2	Effective date		9	53-1-216		5	20-4-106
230	1	53-9-128		10	90-1-131		6	20-4-111
231	1	20-25-1501		11	90-1-201		7	20-7-118
	2	20-25-1502		12	Coordination instruction		8	20-7-1510
	3	20-25-1503					9	20-7-1601
	4	20-25-1504		13	Effective date		10	"Sec. 7, Ch. 402, L. 2019"
	5	20-25-1505	241	1	2-15-2018		11	Codification instruction
	6	20-25-1506		2	Notification to tribal governments		12	Severability
	7	20-25-1507					13	Effective date
	8	20-25-1508		3	Appropriation			
	9	Codification instruction		4	Codification instruction	248	1	15-30-2359
	10	Severability					2	15-31-174
	11	Effective date		5	Effective date		3	15-30-2303
232	1	87-1-201		6	Termination		4	Codification instruction
	2	87-1-301	242	1	2-18-704			
	3	87-1-304		2	20-25-1303		5	Effective date
	4	87-6-401		3	20-25-1403		6	Retroactive
233	1	39-31-401		4	33-22-138			Applicability
	2	Repealer		5	37-3-102		7	Termination
234	1	20-25-518		6	37-11-101	249	1	76-2-114
	2	20-25-519		7	37-11-105		2	76-3-514
	3	Codification instruction		8	50-46-302		3	7-2-4203
				9	Effective date		4	76-2-203
	4	Severability	243	1	44-2-411		5	76-2-302
	5	Effective date		2	44-2-412		6	Codification instruction
235	1	70-24-112		3	"Sec. 8, Ch. 373, L. 2019"		7	Effective date
	2	70-33-109						
	3	Codification instruction		4	Transfer of funds	250	1	49-2-309
							2	Applicability
236	1	70-24-404		5	Appropriation	251	1	15-6-221
	2	70-24-422		6	Notification to tribal governments		2	Applicability
	3	70-24-423				252	1	61-3-332
	4	70-33-403				253	1	20-3-324
	5	70-33-422		7	Effective date		2	Effective date
	6	70-33-423	244	1	13-2-301	254	1	13-2-110
	7	Saving clause		2	13-2-304		2	13-13-114
	8	Effective date		3	13-13-301		3	13-13-602
237	1	61-5-123		4	13-19-207		4	13-15-107
	2	Effective date		5	13-21-104		5	Saving clause
238	1	20-5-320		6	Effective date		6	Severability
	2	20-5-321	245	1	20-9-116		7	Effective date
	3	Effective date		2	20-9-236	255	1	40-15-102
239	1	20-7-111		3	20-9-502		2	40-15-116
	2	20-7-133		4	20-9-525		3	Effective date
	3	Effective date		5	Effective date	256	1	30-14-143
240	1	15-65-101		6	Applicability		2	30-14-226
	2	20-7-1403	246	1	20-10-111	257	1	53-6-407
	3	20-9-537		2	61-9-402			

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	2	Codification instruction	42	17-7-214		96	69-1-222	
	3	Effective date	43	17-8-416		97	69-8-402	
258	1	53-6-413	44	19-3-117		98	75-1-314	
	2	53-6-402	45	19-20-216		99	75-1-1101	
	3	Codification instruction	46	19-20-732		100	75-5-703	
	4	Effective date	47	20-1-231		101	75-10-111	
			48	20-7-101		102	75-10-743	
259	1	23-5-112	49	20-7-308		103	75-10-1601	
	2	23-5-118	50	20-7-469		104	75-11-521	
	3	Effective date	51	20-7-904		105	76-4-116	
260	1	85-2-424	52	20-7-1602		106	76-22-118	
	2	85-2-431	53	20-9-161		107	77-1-223	
261	1	5-11-222	54	20-9-328		108	77-2-366	
	2	2-1-407	55	20-9-330		109	80-7-1006	
	3	2-7-104	56	20-9-537		110	80-7-1026	
	4	2-15-210	57	20-15-309		111	80-7-1203	
	5	2-15-225	58	20-25-305		112	82-2-701	
	6	2-15-401	59	20-26-105		113	85-1-203	
	7	2-15-2017	60	22-3-423		114	85-1-501	
	8	2-15-2225	61	22-3-1002		115	85-1-605	
	9	2-15-3113	62	23-7-202		116	85-1-621	
	10	2-15-3308	63	23-7-410		117	85-1-704	
	11	2-17-101	64	32-11-306		118	85-2-105	
	12	2-17-512	65	33-1-115		119	85-2-281	
	13	2-17-513	66	37-1-107		120	85-2-316	
	14	2-17-515	67	37-1-145		121	85-2-338	
	15	2-17-804	68	37-3-203		122	85-2-350	
	16	2-17-825	69	37-7-1514		123	85-2-436	
	17	3-1-702	70	39-12-103		124	87-1-201	
	18	5-5-223	71	39-71-2375		125	87-1-250	
	19	5-5-224	72	41-3-123		126	87-1-269	
	20	5-5-229	73	41-3-1211		127	87-1-272	
	21	5-5-231	74	41-5-2003		128	87-1-629	
	22	5-5-232	75	44-4-1606		129	87-1-901	
	23	5-11-210	76	44-7-302		130	87-2-702	
	24	5-12-208	77	46-23-1028		131	90-1-105	
	25	5-12-302	78	47-1-125		132	90-1-132	
	26	5-12-303	79	50-6-402		133	90-1-182	
	27	5-13-305	80	50-46-329		134	90-3-1301	
	28	5-13-311	81	50-46-343		135	90-6-703	
	29	5-20-301	82	52-2-211		136	90-6-710	
	30	10-2-102	83	52-2-311		137	90-11-102	
	31	10-3-802	84	53-1-211		138	Repealer	
	32	13-22-108	85	53-1-216		139	Directions	
	33	13-37-120	86	53-1-611			to code	
	34	15-30-2303	87	53-4-209			commissioner	
	35	15-32-703	88	53-6-110		140	Codification	
	36	15-70-450	89	53-6-116			instruction	
	37	17-1-102	90	53-6-710		141	Effective date	
	38	17-2-107	91	53-6-1325	262	1	50-4-106	
	39	17-5-1650	92	53-20-225		2	50-4-107	
	40	17-7-140	93	53-21-508		3	50-4-108	
	41	17-7-202	94	53-30-604		4	50-4-109	
			95	61-2-109		5	30-14-102	

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	6	33-1-102		3	33-22-705	288	1	2-4-412
	7	33-1-201		4	33-35-306		2	Effective date
	8	33-1-207		5	Effective date		3	Applicability
	9	33-22-140	278	1	27-31-201	289	1	2-15-1764
	10	33-30-101	279	1	13-37-241		2	Appropriation
	11	33-31-102		2	Codification		3	Effective date
	12	50-4-105			instruction		4	Retroactive
	13	Codification		3	Effective date			Applicability
		instruction		4	Retroactive	290	1	Short title
263	1	76-2-227			Applicability		2	Findings —
264	1	16-3-313	280	1	45-7-205			purpose
	2	16-11-305	281	1	2-15-1773		3	Definitions
	3	16-12-104		2	37-47-201		4	Born-alive
	4	Codification		3	37-47-301			infant
		instruction		4	37-47-302			protection
265	1	15-7-102		5	37-47-310		5	Criminal
266	1	15-6-135		6	37-47-313			penalties
267	1	72-30-207		7	37-47-341		6	Mandatory
268	1	44-2-411		8	37-47-344			reporting
	2	"Sec. 8, Ch.		9	37-47-345		7	Construction
		373, L. 2019"		10	37-47-401		8	Right of
	3	Notification		11	87-1-506			intervention
		to tribal		12	87-6-702		9	Codification
		governments		13	Repealer			instruction
	4	Effective date		14	Transition —		10	Severability
269	1	20-9-311			application		11	Effective date
	2	Effective date		15	Effective date		12	Submission to
270	1	37-61-420		16	Severability			electorate
271	1	7-5-2310	282	1	45-8-365	291	1	15-6-163
	2	7-5-2304		2	45-8-366		2	15-6-194
	3	Codification		3	45-8-367		3	15-6-137
		instruction		4	45-8-368		4	15-6-141
	4	Applicability		5	Severability		5	15-6-156
272	1	19-5-404		6	Codification		6	15-6-157
	2	Effective date			instruction		7	15-24-1401
	3	Termination		7	Effective date		8	75-20-104
273	1	50-60-203		8	Retroactive		9	75-20-201
	2	Effective date			Applicability		10	90-4-1001
274	1	13-1-106	283	1	46-18-403		11	90-4-1005
275	1	76-3-608	284	1	85-1-203		12	Notification
	2	Severability		2	Repealer			to tribal
	3	Effective date		3	Notification			governments
	4	Applicability			to tribal		13	Codification
276	1	27-33-101			governments			instruction
	2	27-33-102	285	1	76-22-109		14	Severability
	3	27-33-103		2	Effective date		15	Effective date
	4	27-33-104		3	Retroactive		16	Applicability
	5	27-33-105			Applicability	292	1	20-10-129
	6	Codification		4	Contingent		2	Codification
		instruction			termination			instruction
	7	Severability	286	1	87-6-214		3	Effective date
	8	Effective date	287	1	2-1-409	293	1	50-46-302
277	1	2-18-704		2	Codification		2	53-1-202
	2	33-22-702			instruction	294	1	20-5-403

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	2	20-5-405		4	50-20-704		5	Severability
	3	20-5-406		5	50-20-705		6	Effective date
	4	20-5-408		6	50-20-706	319	1	76-3-501
	5	Notification to tribal governments		7	50-20-707		2	76-3-504
	6	Effective date		8	50-20-708		3	76-3-604
				9	50-20-709		4	76-3-608
				10	50-20-710		5	76-3-620
295	1	45-9-101		11	50-20-711		6	Effective date
296	1	61-3-208		12	50-20-712	320	1	50-49-201
	2	Effective date		13	50-20-713		2	50-49-202
297	1	20-5-112		14	50-20-714		3	50-49-203
	2	Codification instruction		15	Codification instruction		4	30-12-301
	3	Effective date		16	Severability		5	50-31-104
298	1	2-15-3307	310	1	2-15-1744		6	50-31-106
299	1	37-35-202	311	1	10-2-1306		7	50-31-108
300	1	69-3-604		2	7-4-2614		8	50-31-201
	2	69-3-1206		3	Codification instruction		9	50-50-301
	3	Effective date					10	81-2-102
	4	Applicability		4	Effective date		11	81-2-105
301	1	45-8-338	312	1	16-12-106		12	81-9-201
	2	Codification instruction		2	45-5-624		13	81-9-218
				3	Effective date		14	81-21-101
302	1	7-4-2503	313	1	77-1-902		15	81-21-102
	2	7-4-2508		2	77-4-301		16	81-21-103
	3	7-4-2510		3	77-4-302		17	81-22-101
303	1	20-5-202		4	77-4-303		18	81-22-102
304	1	70-17-113		5	77-4-304		19	81-22-201
	2	Codification instruction		6	77-4-305		20	81-22-303
				7	Codification instruction		21	81-22-304
305	1	85-7-2211					22	81-22-401
	2	85-7-2212	314	1	5-4-201		23	81-22-405
	3	Two-thirds vote required		2	5-4-205		24	81-22-412
				3	Contingent voidness		25	81-22-413
306	1	27-1-708					26	81-22-416
	2	Codification instruction		4	Effective date		27	81-22-420
			315	1	13-13-120		28	81-22-421
	3	Effective date		2	13-13-121		29	81-22-503
307	1	50-20-601		3	13-19-307		30	81-23-103
	2	50-20-602	316	1	20-5-103		31	81-23-401
	3	50-20-603		2	20-7-120		32	81-23-405
	4	50-20-604		3	Codification instruction		33	Codification instruction
	5	50-20-605					34	Effective date
	6	50-20-606		4	Severability	321	1	20-4-503
	7	50-20-109		5	Effective date	322	1	69-3-308
	8	Codification instruction	317	1	85-2-311		2	69-3-330
				2	85-2-402		3	Repealer
308	1	50-20-113		3	Effective date		4	Effective date
	2	50-20-105	318	1	25-3-106	323	1	33-22-707
	3	Codification instruction		2	27-2-205		2	33-22-702
				3	"Sec. 28, Ch. 368, L. 2015"		3	33-35-306
309	1	50-20-701					4	Codification instruction
	2	50-20-702		4	"Sec. 38, Ch. 415, L. 2019"			
	3	50-20-703						

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324	5	Contingent Effective date	52	75-5-515			106	82-4-422
			53	75-5-516			107	82-4-437
	6	Applicability	54	75-5-802			108	82-4-445
	1	7-13-4502	55	75-6-104			109	82-4-1001
	2	7-13-4513	56	75-6-105			110	82-15-102
	3	7-13-4517	57	75-6-106			111	Repealer
	4	50-2-116	58	75-6-107			112	Transition
	5	75-1-1001	59	75-6-108			113	Effective date
	6	75-2-105	60	75-6-112	325	1	72-40-101	
	7	75-2-111	61	75-6-116		2	72-40-102	
	8	75-2-112	62	75-6-121		3	72-40-103	
	9	75-2-201	63	75-6-131		4	72-40-104	
	10	75-2-202	64	75-10-104		5	72-40-105	
	11	75-2-203	65	75-10-112		6	72-40-110	
	12	75-2-204	66	75-10-115		7	72-40-111	
	13	75-2-206	67	75-10-221		8	72-40-112	
	14	75-2-207	68	75-11-505		9	72-40-113	
	15	75-2-211	69	75-11-508		10	72-40-114	
	16	75-2-212	70	75-20-105		11	72-40-115	
	17	75-2-215	71	75-20-216		12	72-40-116	
	18	75-2-217	72	75-20-406		13	72-40-117	
	19	75-2-218	73	75-20-407		14	72-40-118	
	20	75-2-219	74	75-20-1001		15	72-40-119	
	21	75-2-220	75	75-20-1203		16	72-40-120	
	22	75-2-221	76	75-20-1205		17	72-40-121	
	23	75-2-231	77	76-3-622		18	72-40-122	
	24	75-2-234	78	76-4-1001		19	32-1-107	
	25	75-2-301	79	80-15-105		20	72-38-103	
	26	75-2-302	80	80-15-110		21	72-38-105	
	27	75-2-422	81	80-15-201		22	72-38-603	
	28	75-2-428	82	82-4-102		23	72-38-703	
	29	75-5-103	83	82-4-112		24	Repealer	
	30	75-5-106	84	82-4-123		25	Codification	
	31	75-5-201	85	82-4-129	326		instruction	
	32	75-5-203	86	82-4-205		1	Agreement for	
	33	75-5-222	87	82-4-207			payment of	
	34	75-5-301	88	82-4-223			costs for imple-	
	35	75-5-302	89	82-4-226			mentation of	
	36	75-5-303	90	82-4-231			Montana	
	37	75-5-304	91	82-4-232			Greater Sage-	
	38	75-5-305	92	82-4-234			Grouse	
	39	75-5-307	93	82-4-235			Stewardship	
	40	75-5-308	94	82-4-239			Act	
	41	75-5-310	95	82-4-254		2	76-22-109	
	42	75-5-311	96	82-4-304		3	Directions	
	43	75-5-312	97	82-4-309			to code	
	44	75-5-313	98	82-4-321			commissioner	
	45	75-5-315	99	82-4-332	4	Effective date		
	46	75-5-316	100	82-4-335	5	Contingent		
	47	75-5-318	101	82-4-338		Termination		
	48	75-5-401	102	82-4-339	327	1	27-1-202	
	49	75-5-402	103	82-4-342		2	27-1-302	
	50	75-5-502	104	82-4-371		3	27-1-307	
	51	75-5-514	105	82-4-406		4	27-1-308	

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	5	Effective date	2	20-4-134		2	75-6-104	
	6	Applicability	3	20-4-502	342	1	75-5-321	
328	1	15-61-204	4	20-9-327		2	Transition	
	2	Transition —	5	41-5-103			for nutrient	
		rollover	6	41-5-106			standards —	
	3	Saving clause	7	41-5-122			department	
	4	Effective date	8	41-5-206		3	Board to	
	5	Retroactive	9	41-5-208			amend rules	
		Applicability	10	41-5-355		4	Department to	
329	1	7-1-116	11	41-5-1416			amend rules	
	2	7-1-111	12	41-5-1430		5	75-5-103	
	3	Codification	13	41-5-1503		6	75-5-105	
		instruction	14	41-5-1504		7	75-5-317	
	4	Effective date	15	41-5-1512		8	75-5-320	
330	1	17-5-703	16	41-5-1513		9	Repealer	
	2	17-7-111	17	41-5-1522		10	Repealer	
	3	22-3-1306	18	41-5-1523		11	Codification	
	4	90-1-204	19	41-5-2002			instruction	
	5	90-6-701	20	41-5-2005		12	Saving clause	
	6	90-6-702	21	45-5-214		13	Effective date	
	7	90-6-710	22	45-7-307	343	1	Review of	
	8	90-6-715	23	45-8-318			state fisheries	
331	1	3-10-301	24	46-5-112			management	
	2	75-7-123	25	46-23-102			plan	
332	1	50-15-224	26	46-23-201		2	Effective date	
	2	Direction to	27	50-5-101	344	1	33-2-1101	
		department of	28	50-5-301		2	33-2-1111	
		public health	29	52-2-302		3	33-2-1116	
		and human	30	52-5-101		4	33-2-1140	
		services	31	52-5-108		5	Codification	
	3	Codification	32	52-5-109			instruction	
		instruction	33	52-5-110	345	1	39-51-203	
	4	Effective date	34	52-5-111		2	39-71-419	
		—	35	52-5-112		3	Applicability	
		Applicability	36	52-5-113	346	1	10-3-101	
333	1	2-17-1201	37	52-5-114		2	10-3-102	
	2	2-17-1202	38	52-5-120		3	10-3-125	
	3	2-17-1203	39	52-5-121		4	Codification	
	4	2-17-1204	40	52-5-126			instruction	
	5	Codification	41	52-5-128		5	Effective date	
		instruction	42	53-1-104	347	1	52-2-311	
334	1	77-1-1112	43	53-1-105		2	Effective date	
	2	Effective date	44	53-1-107	348	1	17-7-142	
335	1	2-18-103	45	53-1-109		2	17-7-142	
	2	23-7-210	46	53-1-201		3	17-7-502	
	3	23-7-212	47	53-1-202		4	20-15-309	
	4	Effective date	48	53-1-203		5	20-15-310	
336	1	87-1-901	49	53-1-207		6	20-15-328	
337	1	82-4-203	50	53-30-101		7	20-15-312	
	2	82-4-232	51	53-30-102		8	Transition	
	3	Effective date	52	53-30-141		9	Codification	
338	1	87-5-301	53	53-30-702			instruction	
	2	Effective date	340	1	17-8-410			
339	1	19-20-101	341	1	75-6-102			

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	10	Effective dates		28	Effective date		2	10-1-1004
		—	352	1	33-22-116		3	10-1-1021
		Applicability		2	33-22-117		4	Effective date
	11	Termination		3	Codification	367	1	7-15-4206
349	1	15-30-2110			instruction		2	7-15-4233
	2	15-62-102	353	1	87-2-302		3	7-15-4282
	3	15-62-103		2	87-2-304		4	Applicability
	4	15-62-201		3	87-2-307	368	1	87-2-525
	5	15-62-202		4	Effective date		2	Effective date
	6	15-62-203	354	1	7-21-3214	369	1	44-5-103
	7	15-62-206		2	7-1-111		2	44-5-301
	8	15-62-208		3	81-2-120		3	Nonsevera-
	9	15-62-301		4	87-1-216			bility
	10	20-25-902		5	Notification		4	Effective date
	11	Repealer			to tribal	370	2	Two-thirds
	12	Effective date			governments			vote required
	13	Applicability		6	Codification		3	Submission to
350	1	5-4-208			instruction			electorate
	2	Codification		7	Severability	371	1	20-5-323
		instruction		8	Effective date		2	20-5-324
	3	Coordination		9	Applicability		3	20-7-403
		instruction	355	1	17-7-163		4	20-7-420
	4	Effective date		2	Codification		5	20-7-435
	5	Applicability			instruction		6	20-9-343
	6	Termination		3	Effective date		7	Effective date
351	1	20-15-315	356	1	52-2-111		8	Applicability
	2	20-15-316		2	Transition	372	1	50-19-205
	3	2-9-212		3	Effective date		2	50-19-203
	4	17-7-102		4	Applicability		3	Codification
	5	19-20-605	357	1	10-3-121			instruction
	6	20-7-702		2	10-3-104	373	1	61-8-402
	7	20-7-704		3	Codification		2	Coordination
	8	20-7-705			instruction			instruction
	9	20-9-134		4	Effective date	374	1	10-4-118
	10	20-15-103	358	1	76-3-201		2	27-1-735
	11	20-15-105	359	1	87-2-521		3	Codification
	12	20-15-201		2	87-6-404			instruction
	13	20-15-202	360	1	69-3-2003	375	1	69-3-2003
	14	20-15-203		2	69-3-2006		2	69-3-2004
	15	20-15-204		3	90-4-1005		3	69-3-2005
	16	20-15-208		4	Effective date		4	69-3-2006
	17	20-15-209		5	Retroactive		5	90-4-1202
	18	20-15-305			Applicability		6	Existing
	19	20-15-309	361	1	46-5-601			projects and
	20	20-15-310		2	46-5-602			contracts —
	21	20-15-311		3	Effective date			grandfather
	22	20-15-312	362	1	76-2-402			clause
	23	20-15-313	363	1	50-32-609		7	Severability
	24	20-15-321	364	1	7-4-2705		8	Effective date
	25	Transition		2	41-3-202		9	Retroactive
	26	Codification		3	41-3-210			Applicability
		instruction	365	1	53-21-1102	376	1	27-5-323
	27	Coordination		2	Effective date		2	Severability
		instruction	366	1	10-1-1003		3	Effective date

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	4	Retroactive Applicability	389	1	61-4-215		3	16-4-111
				2	61-4-216		4	16-4-204
377	1	30-14-2701		3	61-4-217		5	Codification instruction
	2	30-14-2702		4	61-4-225		6	Effective date
	3	Codification instruction		5	61-1-101			
				6	61-3-224	396	1	20-1-232
	4	Severability		7	61-3-303		2	Codification instruction
	5	Effective date		8	61-3-311			
	6	Retroactive Applicability		9	61-3-312		3	Effective date
				10	61-3-332	397	1	Setting hay prices for crop share
378	1	85-1-812		11	61-3-456			
	2	85-1-813		12	61-4-111		2	Codification instruction
	3	85-1-811		13	61-4-128			
	4	Codification instruction		14	61-4-129		3	Effective date
				15	61-4-201			
379	1	39-3-218		16	61-4-207	398	1	7-1-4201
	2	Codification instruction		17	61-4-213		2	7-1-4202
				18	61-14-101		3	7-1-4203
	3	Effective date		19	Codification instruction		4	7-1-111
380	1	76-2-229					5	Codification instruction
	2	76-2-205		20	Severability		6	Effective date
	3	76-2-212		21	Effective date			
	4	Codification instruction	390	1	7-5-2109	399	1	13-10-606
				2	7-5-4104		2	13-10-607
	5	Effective date		3	49-4-301		3	13-10-608
	6	Applicability		4	49-4-302		4	13-10-609
381	1	61-5-150		5	49-4-303		5	13-10-610
	2	61-14-201		6	49-4-304		6	13-10-611
	3	Codification instruction		7	49-4-305		7	13-10-612
				8	49-4-306		8	13-10-613
382	1	53-1-216		9	49-4-307		9	13-10-601
	2	Effective date		10	49-4-310		10	13-10-605
383	1	41-3-306		11	61-3-332		11	13-37-601
	2	41-3-301		12	61-3-426		12	13-37-603
	3	Notification to tribal governments	391	1	71-3-1201		13	13-37-604
				2	71-3-1203		14	13-37-605
			392	1	37-18-701		15	Codification instruction
	4	Codification instruction		2	37-18-702		16	Applicability
				3	37-18-703			
	5	Effective date		4	37-18-309	400	1	13-17-212
384	1	53-2-212		5	2-15-1742		2	Effective date
	2	17-7-111		6	37-18-101	401	1	Infrastructure advisory commission
	3	Effective date		7	37-18-102			
385	1	61-8-346		8	37-18-104		2	Appropriation for water and sewer infrastructure projects —
	2	61-8-715		9	37-18-502			matching funds
	3	61-8-803		10	Codification instruction			
386	1	45-8-313					3	Competitive grant program
387	1	10-1-1009		11	Effective date			
	2	Effective date	393	1	37-13-103			
388	1	41-3-1214		2	Effective date			
	2	Codification instruction	394	1	10-3-104			
			395	1	16-4-112			
	3	Effective date		2	16-3-103			

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	4	Minimum allocation grants to local governments	14		Appropriations for housing programs	26		Modifications to appropriations and authorizations
	5	Grants to regional water authorities — matching funds — uses	15		State Small Business Credit Initiative			— report of modifications or changes
	6	Technical assistance team — grant application and engineering assistance	16		Appropriations to department of labor and industry	27		Performance measures — dissemination of information
	7	Appropriation for capital projects	17		Appropriations to department of transportation — grants	28		Reduction in funding — health regulations
	8	Communications advisory commission	18		Health advisory commission	29		2-17-603
	9	Appropriation for communications projects	19		Deadlines — meetings — recommendations — approval	30		Maintenance of effort and equity for educational programs under the American Rescue Plan Act of 2021
	10	Eligibility — submission deadline — preference — approval of recommendations	20		Appropriations to department of public health and human services	31		Notification to tribal governments
	11	Economic transformation and stabilization and workforce development advisory commission	21		Allocation to the judicial branch	32		Notification of reduction or repayment of federal funds — action for declaratory judgment
	12	Appropriation for economic transformation and stabilization and workforce development	22		Appropriations to office of public instruction and office of budget and program planning	33		Restrictions on use of funds for lobbying activities
	13	Eligibility — preference — approval of recommendations	23		"Appropriations to state library, and Montana arts council"	34		Long-range projects funding
			24		Appropriation — coronavirus local fiscal recovery fund	35		Coordination instruction — House Bill No. 5
			25		Audit Appropriations	36		Coordination instruction — House Bill No. 6
						37		Coordination instruction — House Bill No. 7

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	38	Coordination instruction — House Bill No. 11		5	Approval of grants — completion of biennial		15	Coordination instruction
							16	Effective date
	39	Coordination instruction — House Bill No. 14		6	Appropriation Notification to tribal governments		17	Retroactive Applicability
						409	1	75-1-207
	40	Coordination instruction		7	Coordination instruction		2	75-2-103
							3	75-5-103
	41	Coordination instruction Senate Bill No. 297		8	Severability		4	75-20-104
				9	Effective date		5	75-20-201
	42	Coordination instruction	404	1	30-10-115	410	6	Repealer
				2	30-10-209		7	Effective date
	43	Rulemaking authority		3	"Sec. 16, Ch. 58, L. 2011"		1	81-9-104
				4	"Sec. 55, Ch. 151, L. 2017"		2	Codification instruction
	44	Severability		5	Severability		3	Contingent Effective date
	45	Effective date		6	Effective date		4	Termination — contingency
402	1	3-2-101	405	1	20-7-1305	411	1	41-3-209
	2	Supreme court districts defined — number of judges		2	20-7-1306		2	41-3-1211
				3	20-7-1307		3	41-3-1212
				4	Codification instruction	412	1	46-9-108
				5	Severability		2	Effective date
	3	Transition		6	Contingent voidness	413	1	44-6-104
	4	Codification instruction		7	Effective date		2	Codification instruction
	5	Severability	406	1	20-1-101	414	1	60-1-238
	6	Effective date		2	20-9-311		2	Codification instruction
	7	Applicability		3	Effective date		3	Effective date
	8	Submission to electorate	407	1	61-3-318	415	1	7-32-235
				2	61-3-323		2	7-32-236
403	1	Appropriations for reclamation and development grants		3	61-3-324		3	17-7-502
				4	61-3-325		4	72-17-202
				5	61-14-101		5	Codification instruction
			408	1	7-1-111	416	1	20-7-106
				2	7-1-2103		2	Appropriation
	2	Coordination of fund sources for grants to political subdivisions and local governments		3	7-1-4124		3	Notification to tribal governments
				4	7-5-103			
				5	7-5-121		4	Codification instruction
				6	7-5-4201		5	Effective date
				7	10-3-301		6	Termination
	3	Condition of grants		8	50-2-116		1	44-7-110
				9	50-2-118	417	2	Appropriation
				10	50-2-123		1	Effective date
	4	Other Appropriations		11	50-2-124		3	Effective date
				12	Coordination instruction	418	1	49-2-312
				13	Coordination instruction		2	49-2-313
				14	Coordination instruction		3	Appropriation
							4	Codification instruction

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	5	Severability	4	32-2-607		58	32-2-917	
	6	Effective date	5	32-2-608		59	32-2-918	
419	1	76-4-102	6	32-2-701		60	32-2-919	
	2	76-4-103	7	32-2-702		61	32-2-920	
	3	76-4-104	8	32-2-703		62	32-2-921	
	4	76-4-105	9	32-2-704		63	32-2-922	
	5	76-4-111	10	32-2-705		64	32-2-923	
	6	76-4-113	11	32-2-706		65	32-2-924	
	7	76-4-125	12	32-2-707		66	32-2-925	
	8	76-4-129	13	32-2-710		67	32-2-930	
	9	76-4-130	14	32-2-711		68	32-2-931	
	10	76-4-131	15	32-2-830		69	32-2-932	
420	1	33-28-120	16	32-2-801		70	32-2-933	
	2	Transfer of funds	17	32-2-802		71	32-2-934	
			18	32-2-803		72	32-2-935	
421	1	52-2-737	19	32-2-804		73	32-2-936	
	2	52-2-703	20	32-2-805		74	32-2-937	
	3	Codification instruction	21	32-2-806		75	32-2-938	
			22	32-2-807		76	32-2-939	
422	1	50-4-111	23	32-2-808		77	32-2-940	
	2	33-1-102	24	32-2-809		78	32-2-941	
	3	33-1-201	25	32-2-810		79	32-2-942	
	4	Codification instruction	26	32-2-811		80	32-2-943	
			27	32-2-816		81	32-2-944	
423	1	15-6-230	28	32-2-817		82	32-2-945	
	2	Notification to tribal governments	29	32-2-818		83	32-2-950	
			30	32-2-819		84	32-2-951	
			31	32-2-820		85	32-2-952	
	3	Effective date	32	32-2-821		86	32-2-953	
	4	Applicability	33	32-2-822		87	32-2-954	
424	1	2-18-303	34	32-2-823		88	32-2-1001	
425	1	39-51-701	35	32-2-824		89	32-2-1002	
	2	39-51-702	36	32-2-825		90	32-2-1003	
	3	39-51-703	37	32-2-826		91	32-2-1004	
	4	39-51-706	38	32-2-827		92	32-2-1005	
	5	Codification instruction	39	32-2-828		93	32-2-1006	
			40	32-2-829		94	32-2-1007	
	6	Effective date	41	32-2-831		95	32-2-1008	
426	1	20-25-503	42	32-2-901		96	32-2-1009	
	2	Effective date	43	32-2-902		97	32-2-1010	
427	1	15-6-143	44	32-2-903		98	32-2-1011	
	2	Effective date	45	32-2-904		99	32-2-1012	
	3	Retroactive Applicability	46	32-2-905		100	32-2-1013	
			47	32-2-906		101	32-2-1014	
428	1	76-22-116	48	32-2-907		102	32-2-1015	
	2	82-4-405	49	32-2-908		103	32-2-1016	
	3	Effective date	50	32-2-909		104	32-2-1017	
429	1	15-70-430	51	32-2-910		105	32-2-1018	
	2	Effective date	52	32-2-911		106	32-2-1019	
430	1	15-6-220	53	32-2-912		107	32-2-1020	
	2	Applicability	54	32-2-913		108	32-2-1021	
431	1	32-2-601	55	32-2-914		109	32-2-1022	
	2	32-2-602	56	32-2-915		110	32-2-1023	
	3	32-2-603	57	32-2-916		111	32-2-1024	

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	112	32-2-1030		3	15-31-163		5	Protections
	113	32-2-1031		4	17-7-502			against
	114	32-2-1032		5	Codification			government
	115	32-2-1033			instruction			discrimination
	116	32-2-1034	438	1	23-5-501		6	Codification
	117	32-2-1101		2	23-5-512			instruction
	118	32-2-1102		3	Effective date		7	Effective date
	119	32-2-1103	439	1	60-4-601	446	1	15-7-111
	120	32-2-1104		2	Codification		2	15-16-101
	121	32-2-1105			instruction		3	Appropriation
	122	32-2-1106		3	Effective date	447	1	1-3-110
	123	32-2-1201	440	1	50-74-318		2	30-14-1729
	124	32-2-1202		2	50-74-303		3	71-1-313
	125	32-2-1203		3	50-74-304		4	Notification
	126	32-2-1204		4	Repealer			to tribal
	127	32-2-1205		5	Codification			governments
	128	32-2-1206			instruction		5	Codification
	129	32-2-1207	441	1	75-8-110			instruction
	130	32-2-1208		2	75-8-103		6	Contingent
	131	32-2-1213		3	Codification			Effective date
	132	32-2-1214			instruction	448	1	2-15-1021
	133	32-2-1215		4	Severability		2	2-17-516
	134	32-2-1216		5	Effective date		3	Effective date
	135	32-2-1217		6	Applicability	449	1	90-1-601
	136	Repealer	442	1	70-32-104		2	90-1-602
	137	Codification		2	Effective date		3	90-1-603
		instruction	443	1	17-6-308		4	90-1-604
432	1	33-20-802		2	Effective date		5	90-1-605
	2	33-20-803	444	1	90-4-1301		6	90-1-606
	3	33-20-804		2	90-4-1302		7	90-1-607
	4	33-20-805		3	90-4-1303		8	90-1-608
	5	33-20-806		4	90-4-1304		9	90-1-609
	6	33-20-807		5	90-4-1305		10	Appropriation
433	1	3-1-1101		6	90-4-1306		11	Codification
434	1	Repealer		7	90-4-1307			instruction
	2	Effective date		8	90-4-1308		12	Effective date
435	1	10-4-213		9	90-7-202		13	Contingent
	2	10-4-214		10	90-7-211			termination
	3	10-4-101		11	Notification	450	1	20-7-502
	4	10-4-117			to tribal		2	20-7-503
	5	10-4-201			governments		3	61-5-106
	6	10-4-203		12	Codification		4	61-5-132
	7	10-4-204			instruction		5	Effective date
	8	10-4-205		13	Effective date		6	Termination
	9	10-4-211	445	1	10-3-101	451	1	16-4-105
	10	10-4-212		2	10-3-102		2	16-4-201
	11	10-4-305		3	10-3-103		3	16-4-420
	12	Codification		4	Claim or	452	1	61-5-111
		instruction			defense		2	Effective date
	13	Saving clause			against state	453	1	70-17-114
	14	Effective date			action —		2	70-17-106
436	1	45-5-210			remedies —		3	Codification
437	1	15-31-164			limitations			instruction
	2	15-31-165					4	Severability

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	5	Effective date		3	Capital		3	Condition of
454	1	37-2-104			development		4	grants
	2	Report to			projects		5	Appropriations
		legislature and			appropriations			established
	3	governor			and			Approval of
	4	37-7-103			authorizations			grants —
		50-31-307	4		Capital			completion
455	1	16-11-313			improvement			of biennial
	2	7-1-111			projects —			Appropriation
	3	16-11-122			appropriations	6		Notification
	4	16-11-311			and			to tribal
	5	Codification			authorizations			governments
		instruction	5		Land	7		Coordination
	6	Effective date			acquisition			instruction
456	1	3-1-610			appropriations	8		Severability
	2	3-1-1001			and	9		Effective date
	3	25-1-201			authorizations	463	1	Authorization
	4	Codification	6		Planning and			to provide
		instruction			design			loans
	5	Severability	7		Capital	2		Projects not
	6	Effective date			projects —			completing
		— contingency			contingent			requirements
457	1	2-6-1017			funds			— projects
	2	7-13-2275	8		Review by			reauthorized
	3	"Procedure			department of	3		Coal severance
		relating to			environmental			tax bonds
		ordinances and			quality			authorized
		resolutions	9		Appropriation	4		Condition of
		— rates, fees,	10		Increase in			loans
		and charges			state funding	5		Private and
		established"			for program			discount
458	1	15-30-3701			expansion or			purchase of
	2	15-30-3702			operations and			loans
	3	15-30-3703			maintenance	6		Appropriations
	4	15-30-3704	11		Legislative			established
	5	15-30-2103			consent	7		Creation of
	6	15-30-2153	12		Transfer of			state debt —
	7	Codification			funds			two-thirds vote
		instruction	13		"Sec. 2, Ch.			required —
	8	Effective date			422, L. 2019"			appropriation
	9	Retroactive	14		Severability			of coal
		Applicability	15		Coordination			severance
459	1	15-1-601			instruction			tax — three-
	2	Effective date	16		Effective date			fourths vote
	3	Applicability	462	1	Appropriations			required
460	1	Time limits			for renewable			— bonding
	2	Appropriations			resource			provisions
	3	Effective date			grants	8		Notification
461	1	Definitions	2		Coordination			to tribal
	2	Major repair			of fund sources			governments
		projects			for grants	9		Severability
		appropriations			to political	10		Effective date
		and			subdivisions			
		authorizations			and local			
					governments			

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464	1	Appropriation of cultural and aesthetic grant funds — priority of disbursement	6		Appropriation from treasure state endowment special revenue	468	1	Authorizations of and appropriations for capital projects
	2	Appropriation of cultural and aesthetic grant funds			account for infrastructure planning grants	2		Planning and design
	3	Reversion of grant money	7		Appropriation from treasure state endowment regional water system special revenue account	3		Capital projects — contingent funds — legislative consent
	4	Changes to grants on pro rata basis				4		Review by department of environmental quality
	5	Effective date				5		Appropriation for treasure state endowment program grants
465	1	Definitions	8		Approval of funds — completion of Appropriation Conditions — manner of disbursements of funds	6		Approval of grants — completion of biennial Appropriation
	2	Appropriations and authorizations	9		90-6-710	7		Condition of grants — disbursements of funds
	3	Fund transfer			Notification to tribal governments	8		Other powers and duties of department of commerce
	4	Statewide networks efficiencies	10		Effective date	9		Appropriation for renewable resource grants
	5	Severability	11		Appropriation for Montana historic preservation grant program	10		Appropriations for reclamation and development grants
	6	Effective date	12		Approval of grants — completion of biennial Appropriation Condition of grants — disbursement of funds	11		Coordination of fund sources for grants to political subdivisions and local governments
466	1	Appropriation for treasure state endowment program grants	467	1	Appropriation for Montana historic preservation grant program	12		Condition of grants
	2	Approval of grants — completion of biennial Appropriation	2		Approval of grants — completion of biennial Appropriation Condition of grants — disbursement of funds			
	3	Condition of grants — disbursement of funds	3		Other powers and duties of the department of commerce			
	4	Other powers and duties of department	4		Notification to tribal governments			
	5	Appropriation from treasure state endowment special revenue account for emergency grants	5		Effective date			

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	13	Approval of grants — completion of biennial Appropriation		9	15-30-2340		22	Severability
				10	15-30-2340		23	Effective date —
				11	Effective dates —			Applicability
	14	Notification to tribal governments		12	Applicability Termination		24	Termination
	15	Transfer of funds		13	Contingent termination — legislative intent — specific findings — report to legislative finance committee		25	Contingent termination — legislative intent — specific findings — report to legislative finance committee
469	1	67-10-901						
	2	67-10-902						
	3	67-10-903						
	4	67-10-904						
	5	Effective date				481	1	37-1-139
470	1	20-9-306	477	1	50-5-101		2	46-18-111
	2	20-9-326		2	50-5-301		3	46-23-509
	3	Effective date		3	50-5-302		4	Codification instruction
	4	Applicability		4	50-5-304		5	Effective date
471	1	15-31-552		5	50-5-307			
	2	33-2-307		6	50-5-308	482	1	46-23-1016
	3	33-2-407		7	50-5-309		2	Codification instruction
	4	33-20-505		8	53-6-110			
	5	33-22-211	478	1	61-8-301	483	1	15-6-135
	6	33-22-1313		2	61-8-351		2	15-6-156
	7	33-22-1316		3	Effective Dates		3	15-6-219
	8	33-32-102	479	1	2-15-1744		4	15-6-243
	9	Effective date		2	37-22-201		5	Effective date
472	1	44-1-504		3	Coordination instruction		6	Codification instruction
	2	Effective date					7	Applicability
	3	Contingent Termination		3	2-15-1744			
			480	1	15-30-3101	484	1	15-65-101
473	1	61-8-731		2	15-30-3102		2	15-65-111
	2	Coordination instruction		3	15-30-3103		3	15-65-112
	3	Applicability		4	15-30-3104		4	15-65-113
474	1	10-2-116		5	15-30-3106		5	15-65-114
	2	"Sec. 6, Ch. 462, L. 2019"		6	15-30-3110		6	15-65-115
				7	15-30-3110		7	15-68-101
	3	Effective date		8	15-30-3110		8	15-68-111
	4	Termination		9	15-30-3110		9	15-68-502
				10	15-30-3110		10	76-8-103
475	1	20-9-534		11	15-30-3110		11	Notification to tribal governments
	2	Effective date		12	15-30-3111			
	3	Applicability		13	15-30-3111		12	Codification instruction
	4	Termination		14	15-30-3111			
476	1	15-30-2337		15	15-30-3111		13	Saving clause
	2	15-30-2337		16	15-30-3111		14	Applicability
	3	15-30-2337		17	15-30-3111			
	4	15-30-2337		18	15-30-3113	485	1	87-6-106
	5	15-30-2337		19	Repealer		2	Effective date
	6	15-30-2340		20	"Sec. 33, Ch. 457, L. 2015"		3	Applicability
	7	15-30-2340				486	1	87-2-516
	8	15-30-2340		21	Repealer		2	87-1-325

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	3	87-2-501		4	53-6-101		18	13-37-227
	4	87-2-513		5	Legislative		19	13-37-228
	5	Codification			intent —		20	13-37-229
		instruction			medicaid		21	13-35-242
	6	Effective date			transfers		22	3-1-609
487	1	49-4-601	6		"Sec. 1, Ch. 1,		23	Codification
	2	49-4-602			L. 2019"			instruction
	3	49-4-603	7		Transfer of		24	Coordination
	4	49-4-604			funds			instruction
	5	33-18-247	8		Appropriation		25	Severability
	6	Codification	9		Coordination		26	Coordination
		instruction			instruction			instruction
	7	Effective date	9		46-19-101		27	Effective date
488	1	15-30-2103	10		Coordination	495	1	85-7-2042
	2	15-30-2103			instruction		2	85-7-2043
	3	15-30-2103	11		Coordination		3	85-7-2044
	4	15-30-2103			instruction		4	85-7-2045
	5	15-30-2103	12		Coordination		5	85-7-2046
	6	Effective dates			instruction		6	85-7-2047
		—	13		Effective date		7	85-7-2048
		Applicability	492	1	13-37-220		8	85-7-2049
	7	Severability		2	13-1-101		9	85-7-2050
	8	Coordination		3	Codification		10	85-7-2013
		instruction			instruction		11	85-7-2014
	9	Termination	493	1	Interim study		12	85-7-2015
	10	Contingent			of inmate		13	85-7-2019
		termination			telecommuni-		14	85-7-2031
		— legislative			cations		15	85-7-2032
		intent —			services —		16	85-7-2115
		specific			performance		17	Repealer
		findings			audit —		18	Codification
		— report to			reports			instruction
		legislative		2	Appropriation		19	Effective date
		finance		3	Contingent	496	1	87-6-205
		committee			voidness	497	1	37-2-305
489	1	Legislative		4	Effective date		2	53-6-122
		poll —		5	Termination		3	37-7-101
		continuation	494	1	13-37-211		4	37-7-201
		of state of		2	20-25-452		5	37-11-101
		emergency or		3	13-1-101		6	37-11-105
		disaster		4	13-35-225		7	37-15-102
	2	10-3-302		5	13-35-237		8	37-15-202
	3	10-3-303		6	13-37-201		9	37-15-314
	4	Codification		7	13-37-202		10	37-15-315
		instruction		8	13-37-203		11	53-6-113
	5	Effective date		9	13-37-204		12	53-6-155
490	1	69-3-225		10	13-37-205		13	Codification
	2	Codification		11	13-37-207			instruction
		instruction		12	13-37-208		14	Coordination
	3	Saving clause		13	13-37-216			instruction
	4	Applicability		14	13-37-217	498	1	61-8-1001
491	1	17-7-130		15	13-37-218		2	61-8-1002
	2	17-7-209		16	13-37-225		3	61-8-1007
	3	17-7-402		17	13-37-226		4	61-8-1008

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	5	61-8-1009	501	1	33-2-2401		23	15-30-2618
	6	61-8-1010		2	33-2-2402		24	15-30-3003
	7	61-8-1011		3	33-2-2403		25	15-30-3004
	8	61-8-1016		4	33-2-2404		26	15-30-3005
	9	61-8-1017		5	33-2-2405		27	15-30-3312
	10	61-8-1018		6	33-2-2406		28	15-31-162
	11	61-8-1019		7	33-2-2407		29	15-31-163
	12	61-8-1024		8	33-2-2408		30	15-31-1007
	13	61-8-1025		9	33-2-2409		31	15-32-104
	14	61-8-1026		10	33-2-2410		32	15-32-106
	15	61-8-1031		11	33-2-2411		33	15-32-610
	16	61-8-1032		12	33-2-2412		34	15-61-202
	17	61-8-1033		13	33-17-102		35	15-61-203
	18	23-2-535		14	33-22-101		36	15-62-103
	19	44-4-1205		15	33-22-170		37	15-62-201
	20	45-5-106		16	33-22-174		38	15-62-206
	21	45-5-205		17	33-30-102		39	15-62-207
	22	45-5-207		18	33-31-111		40	15-62-208
	23	45-5-628		19	33-35-306		41	15-63-202
	24	46-16-130		20	33-38-102		42	19-2-1004
	25	46-18-201		21	39-71-2375		43	19-17-407
	26	46-18-236		22	Transition		44	19-18-612
	27	50-46-320		23	Codification		45	19-19-504
	28	53-9-103			instruction		46	19-20-706
	29	61-1-101		24	Severability		47	19-21-212
	30	61-2-107		25	Effective Dates		48	20-4-503
	31	61-2-302		26	Termination		49	20-25-902
	32	61-5-205	502	1	40-6-701		50	33-27-101
	33	61-5-208		2	25-1-202		51	33-27-102
	34	61-5-212		3	Codification		52	33-27-103
	35	61-5-218			instruction		53	37-4-104
	36	61-5-231		4	Applicability		54	50-51-114
	37	61-5-405	503	1	15-30-2120		55	53-2-211
	38	61-8-101		2	2-18-1312		56	53-25-117
	39	61-8-102		3	7-14-1133		57	53-25-118
	40	61-8-805		4	7-14-1636		58	67-11-303
	41	61-8-807		5	7-34-2416		59	70-9-803
	42	61-11-101		6	15-1-222		60	75-2-103
	43	67-1-211		7	15-30-2101		61	75-5-103
	44	Repealer		8	15-30-2102		62	87-2-102
	45	Saving clause		9	15-30-2103		63	87-2-105
	46	Effective date		10	15-30-2104		64	Repealer
	47	Applicability		11	15-30-2113		65	Repealer
499	1	15-72-601		12	15-30-2151		66	Transition —
	2	Effective date		13	15-30-2153			carryover of
	3	Applicability		14	15-30-2303			credits
500	1	7-11-1009		15	15-30-2328		67	Transition
	2	7-11-1003		16	15-30-2329		68	Codification
	3	7-11-1007		17	15-30-2393			instruction
	4	7-11-1011		18	15-30-2501		69	Severability
	5	Codification		19	15-30-2512		70	Effective dates
		instruction		20	15-30-2602			—
	6	Effective date		21	15-30-2605			Applicability
	7	Applicability		22	15-30-2606			

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504	1	10-3-122	508	5	Notification to tribal governments	512	7	Codification instruction
	2	10-3-123		6	Effective date		8	Severability
	3	10-3-124		1	5-12-205		9	Effective date
	4	5-3-106		2	17-7-140		2	69-12-201
	5	5-3-108		3	Legislative financial		3	69-12-205
	6	10-1-106			modernization and risk		4	69-12-301
	7	10-3-101			analysis study		5	69-12-314
	8	10-3-102		4	Long term budget		6	69-12-321
	9	10-3-103			efficiency study		7	69-12-322
	10	10-3-104		5	Dynamic fiscal note study		8	69-12-323
	11	10-3-303		6	Appropriation		9	69-12-324
	12	10-3-1210		7	Transfers of funds		10	69-12-403
	13	Repealer		8	Effective date		11	69-12-404
	14	Severability		1	15-31-1010		12	69-12-406
	15	Codification instruction		2	15-31-1010		13	69-12-407
	16	Coordination instruction		3	15-31-1010		14	69-12-501
	17	Effective date		4	15-31-1010		15	69-12-502
505	1	16-12-112	509	5	15-31-1010	513	16	69-12-611
	2	16-12-211		6	Severability		17	Repealer
	3	50-46-341		7	Effective dates		18	Effective date
506	4	50-46-344	510	1	15-6-301	514	1	23-1-123
	1	15-1-121		2	15-6-305		2	77-1-118
	2	15-1-123		3	15-6-311		3	87-1-126
	3	15-1-123		4	Effective date		4	Codification instruction
	4	15-6-138		5	Retroactive Applicability		5	Effective date
	5	15-6-138		1	2-6-1030		6	Termination
	6	15-6-138		2	2-6-1031		7	Codification instruction
	7	15-6-138		3	2-6-1032		8	Saving clause
	8	15-6-138		4	2-6-1033		9	Severability
	9	15-10-420		5	2-9-303		10	Two-thirds vote required
	10	20-9-366		6	Use of existing resources		11	Effective date
	11	Severability					12	Termination
	12	Effective dates					1	70-24-427
		—						
		Applicability						
507	13	Termination	511	1	2-6-1030	515	1	10-3-102
	14	Contingent termination		2	2-6-1031		2	Effective date
		— legislative intent		3	2-6-1032		1	2-9-901
		— specific findings		4	2-6-1033		2	2-9-902
		report to the legislative finance committee	516	1	15-6-301	517	3	2-9-903
		— legislative intent		2	15-6-305		4	2-9-904
		— specific findings		3	15-6-311		5	2-9-905
		report to the legislative finance committee		4	Effective date		6	2-9-906
		— legislative intent	517	5	Retroactive Applicability		7	Codification instruction
		— specific findings		1	2-6-1030		8	Saving clause
		report to the legislative finance committee		2	2-6-1031		9	Severability
		— legislative intent		3	2-6-1032		10	Two-thirds vote required
		— specific findings		4	2-6-1033		11	Effective date
		report to the legislative finance committee		5	2-9-303		12	Termination
		— legislative intent		6	Use of existing resources			
		— specific findings						

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518	1	76-4-125		9	17-7-139		3	Codification
	2	Effective date		10	Codification			instruction
519	1	2-4-302			instruction		4	Severability
	2	2-4-305		11	Effective date		5	Effective date
	3	Applicability		12	Termination	535	1	75-5-107
520	1	41-3-127	526	1	76-2-109		2	2-4-702
	2	41-3-128		2	82-11-112		3	13-37-113
	3	41-3-129		3	Effective date		4	15-1-108
	4	41-3-130	527	1	45-6-203		5	16-4-411
	5	41-3-102		2	Effective date		6	19-2-401
	6	41-3-108	528	1	42-7-105		7	19-20-201
	7	41-3-201		2	52-8-103		8	22-3-429
	8	41-3-202		3	Effective date		9	25-2-126
	9	41-3-205	529	1	Emergency		10	30-14-111
	10	41-3-301			protective		11	30-14-1413
	11	41-3-427			services		12	31-1-726
	12	41-3-445			hearing on		13	32-1-912
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	2	82-1-602		4	Notification		18	50-5-112
	3	82-1-603			to tribal		19	50-5-113
	4	82-1-604			governments		20	50-6-504
	5	Codification		5	Directions		21	50-30-102
		instruction			to code		22	53-9-131
	6	Severability			commissioner		23	61-4-107
	7	Effective date		6	Codification		24	61-8-812
523	1	2-18-104			instruction		25	61-8-815
	2	5-5-110		7	Effective Dates		26	75-1-108
	3	Codification		8	Termination		27	75-2-401
		instruction	530	1	10-3-114		28	75-2-413
	4	Coordination		2	Effective date		29	75-2-514
		instruction	531	1	5-1-115		30	75-5-611
	5	Effective date		2	13-2-205		31	75-5-631
	6	Termination		3	13-15-401		32	75-6-114
524	1	Health care		4	Repealer		33	75-10-228
		provider task		5	Severability		34	75-10-417
		force — duties		6	Effective Dates		35	75-10-424
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	2	Health care		2	Grandfather		37	75-10-711
		provider task			clause		38	75-10-715
		force spe-		3	Severability		39	75-10-1223
		cial revenue		4	Effective date		40	75-11-223
		account		5	Applicability		41	75-11-516
	3	Effective date	533	1	76-2-101		42	75-11-518
	4	Termination		2	76-2-109		43	75-11-525
525	1	5-12-501		3	82-11-112		44	76-4-109
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	3	5-12-503	534	1	13-1-205		46	82-4-142
	4	5-12-504		2	Direction		47	82-4-254
	5	5-2-205			to secretary		48	82-4-354
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	7	5-12-302			penalty		50	82-4-427
	8	17-7-138					51	82-4-441

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	54	85-6-109			ments		3	50-1-118
	55	Codification		7	Saving clause		4	50-1-115
		instruction		8	Severability		5	"Sec. 6, Ch.
536	1	70-24-113		9	Coordination			291, L. 2015"
	2	70-24-103			instruction		6	Codification
	3	70-24-201		10	Coordination			instruction
	4	70-24-303			instruction		7	Severability
	5	70-24-312		11	Effective date		8	Effective date
	6	70-24-401		12	Retroactive		9	Applicability
	7	70-24-422			Applicability	549	1	41-3-1215
	8	70-24-430	543	1	46-19-101		2	41-3-1209
	9	70-25-201	544	1	2-15-1747		3	41-3-1211
	10	70-33-103		2	37-31-101		4	41-3-1212
	11	70-33-201		3	37-31-203		5	Appropriation
	12	70-33-303		4	37-31-301		6	Codification
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	14	70-33-321		6	37-31-303		7	Effective date
	15	70-33-401		7	37-31-304	550	1	39-11-404
	16	70-33-430		8	37-31-305		2	15-30-2361
	17	70-33-433		9	37-31-308		3	15-31-175
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		instruction		11	37-31-312		5	15-30-2361
	19	Effective date		12	37-31-323		6	15-31-175
537	1	46-18-201		13	37-31-331		7	39-11-404
	2	Saving clause		14	Transition —		8	15-30-2361
	3	Coordination			application		9	15-31-175
		instruction		15	Saving clause		10	39-11-404
	4	Applicability		16	Severability		11	15-30-2361
538	1	22-3-1401		17	Effective date		12	15-31-175
	2	Codification	545	1	76-2-209		13	39-11-404
		instruction		2	82-4-403		14	15-30-2361
539	1	25-13-609		3	82-4-431		15	15-31-175
	2	Effective date		4	82-4-432		16	15-30-2303
540	1	44-5-303		5	82-4-434		17	15-30-2357
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	2	20-7-1336		7	Repealer		19	15-31-511
	3	20-7-1337		8	Effective date		20	Appropriation
	4	20-7-1338		9	Retroactive		21	Codification
	5	45-8-361			Applicability			instruction
	6	Codification	546	1	69-4-1005		22	Severability
		instruction		2	69-4-1001		23	Effective dates
	7	Effective date		3	69-4-1004			—
542	1	69-5-121		4	Codification			Applicability
	2	90-4-1005			instruction		24	Termination
	3	90-4-1202			Effective date		25	Contingent
	4	Existing	547	1	39-12-103			termination
		projects and		2	39-12-107			— legislative
		contracts —		3	53-6-1302			intent —
		grandfather		4	Direction to			specific findings
		clause			department			— report to
	5	Repealer			of labor and			legislative
					industry			finance
			5		Effective date			committee

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			25	Repealer		4		Effective date
	2	20-6-326	26	Appropriation	558	1		90-1-205
	3	20-9-166	27	Appropriation		2		Appropriation
	4	20-9-314	28	Codification instruction	559	3		Effective date
	5	Appropriations — authorization to spend federal money	29	Coordination instruction		1		15-36-303
						2		15-36-303
			30	Coordination instruction		3		15-36-303
						4		15-36-303
	6	Appropriation	31	Coordination instruction		5		15-36-303
	7	"Community college reversions for the biennium beginning July 1, 2019"	32	Effective Dates		6		15-36-304
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				4	75-8-201		10	15-36-304
	8	Modifications to appropriations and authorizations		5	75-20-228		11	Severability
				6	75-20-213		12	Effective dates —
				7	75-20-219			Applicability
	9	Coordination instruction		8	Appropriations	13		Termination
				9	Codification instruction	14		Contingent termination — legislative intent — specific findings — report to legislative finance committee
	10	Effective date		10	Effective date			
	11	Termination		11	Severability			
552	1	61-12-401		12	Coordination instruction			
	2	87-1-265						
	3	87-1-295		13	Retroactive Applicability			
	4	87-1-301			Termination			
	5	87-1-504		14				
	6	87-2-115	554	1	13-27-211	560	1	20-9-366
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	8	87-2-513		3	5-11-105		3	Coordination instruction
	9	87-2-702		4	13-27-202		4	Coordination instruction
	10	87-2-810		5	13-27-204			
	11	87-4-502		6	13-27-312			
	12	87-4-522		7	Codification instruction		5	Effective date
	13	87-4-530				561	1	16-11-119
	14	87-5-131		8	Severability		2	Appropriation
	15	87-6-107		9	Effective date		3	Effective date
	16	87-6-207		10	Applicability		4	Applicability
	17	87-6-401				562	1	Legislative finance committee study of fiscal issues regarding education — reports to education interim committee
	18	87-6-402	555	1	39-51-2303			
	19	87-6-404		2	39-71-407			
	20	87-6-405		3	50-46-303			
	21	87-6-412		4	Coordination instruction			
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	7	Contingent		5	Legislative	572	1	75-10-729
		voidness			intent		2	75-10-711
	8	Effective date		6	3-5-102		3	Codification
563	1	2-18-101		7	Appointment			instruction
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	3	10-3-801			judges		5	Effective date
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	10	Transition		12	44-7-204		5	Appropriation
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	12	Termination		14	61-3-103		6	Program
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	10	Repealer		8	16-4-415		6	46-32-106
	11	Appropriation		9	16-6-306		7	46-32-107
	12	Severability		10	23-5-117		8	46-32-108
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		instruction			instruction		10	46-23-1041
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	9	16-12-501	60	16-12-302		109	16-12-215	
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	12	16-12-508	63	37-1-316			governments	
	13	16-12-509	64	37-3-203		111	"Direction to	
	14	16-12-513	65	39-2-210			department	
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	16	16-12-515	67	39-71-407			department of	
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	26	3-5-115	77	46-18-202			instruction	
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	47	16-12-112	98	16-12-317			instruction	
	48	16-12-113	99	80-1-104		7	Effective date	
	49	16-12-201	100	16-12-122				

2020 BALLOT ISSUES TO CODEConstitutional Initiative

<u>CI</u>	<u>Sec.</u>	<u>MCA</u>
118	1	Art. II, sec. 14, Mont. Const.

Constitutional Amendments

<u>CA</u>	<u>Sec.</u>	<u>MCA</u>			
46	1	Art. XIV, sec. 9, Mont. Const.	47	1	Art. III, sec. 4, Mont. Const.
	2	Two- thirds vote required		2	Two- thirds vote required
	3	Effective date		3	Effective date
	4	Submission to electorate		4	Submission to electorate

Initiative

<u>Init.</u>	<u>Sec.</u>	<u>MCA</u>					
190	1	16-12-101	21	16-12-302	41	45-9-101	
	2	16-12-102	22	16-12-303	42	45-9-102	
	3	16-12-103	23	16-12-304	43	45-9-103	
	4	16-12-104	24	16-12-211	44	45-9-110	
	5	16-12-201	25	16-12-110	45	45-9-127	
	6	16-12-105	26	16-12-112	46	45-10-103	
	7	16-12-202	27	16-12-401	47	45-10-107	
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	9	16-12-203	29	16-12-403	49	50-40-103	
	10	16-12-204	30	16-12-404	50	53-6-1201	
	11	16-12-205	31	16-12-405	51	80-1-104	
	12	16-12-206	32	16-12-406	52	87-1-242	
	13	16-12-207	33	16-12-407	53	87-5-121	
	14	16-12-107	34	16-12-408	54	Codification instruction	
	15	16-12-208	35	16-12-111			
	16	16-12-108	36	16-12-113	55	Severability	
	17	16-12-209	37	7-1-111	56	Effective dates	
	18	16-12-301	38	23-1-105			
	19	16-12-210	39	23-2-108	57	Retroactive applicability	
	20	16-12-109	40	41-5-206			

Legislative Referendum

<u>LR.</u>	<u>Sec.</u>	<u>MCA</u>		
130	1	45-8-310	5	Coordination instruction
	2	7-1-111		
	3	45-8-351	6	Effective date
	4	Codification instruction	7	Submission to electorate

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<u>Title-Chapter-Section</u>	<u>Action</u>	<u>Initiative</u>
7-1-111	amended	I.M. 190
	amended	LR 130
16-12-101	enacted	I.M. 190
16-12-102	enacted	I.M. 190
16-12-103	enacted	I.M. 190
16-12-104	enacted	I.M. 190
16-12-105	enacted	I.M. 190
16-12-106	enacted	I.M. 190
16-12-107	enacted	I.M. 190
16-12-108	enacted	I.M. 190
16-12-109	enacted	I.M. 190
16-12-110	enacted	I.M. 190
16-12-111	enacted	I.M. 190
16-12-112	enacted	I.M. 190
16-12-113	enacted	I.M. 190
16-12-201	enacted	I.M. 190
16-12-202	enacted	I.M. 190
16-12-203	enacted	I.M. 190
16-12-204	enacted	I.M. 190
16-12-205	enacted	I.M. 190
16-12-206	enacted	I.M. 190
16-12-207	enacted	I.M. 190
16-12-208	enacted	I.M. 190
16-12-209	enacted	I.M. 190
16-12-210	enacted	I.M. 190
16-12-211	enacted	I.M. 190
16-12-301	enacted	I.M. 190
16-12-302	enacted	I.M. 190
16-12-303	enacted	I.M. 190
16-12-304	enacted	I.M. 190
16-12-401	enacted	I.M. 190
16-12-402	enacted	I.M. 190
16-12-403	enacted	I.M. 190
16-12-404	enacted	I.M. 190
16-12-405	enacted	I.M. 190
16-12-406	enacted	I.M. 190
16-12-407	enacted	I.M. 190
16-12-408	enacted	I.M. 190
23-1-105	amended	I.M. 190
23-2-108	amended	I.M. 190
41-5-206	amended	I.M. 190
45-8-310	enacted	LR 130
45-8-351	amended	LR 130
45-9-101	amended	I.M. 190
45-9-102	amended	I.M. 190
45-9-103	amended	I.M. 190
45-9-110	amended	I.M. 190
45-9-127	amended	I.M. 190
45-10-103	amended	I.M. 190
45-10-107	amended	I.M. 190
46-18-231	amended	I.M. 190
50-40-103	amended	I.M. 190

<u>Title-Chapter-Section</u>	<u>Action</u>	<u>Initiative</u>
53-6-1201	amended	I.M. 190
80-1-104	amended	I.M. 190
87-1-242	amended	I.M. 190
87-5-121	amended	I.M. 190

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Grants to port authorities, Ch 564.

ALCOHOLIC BEVERAGES.

Alcoholic beverage control division appropriations, Ch 4.

AMERICAN RESCUE PLAN ACT.

Appropriations and matching funds, Ch 401.

ANTI-LITTERING SIGN SPECIAL REVENUE ACCOUNT, Ch 112.

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- B -

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ConnectMT act.
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